Cases Reported this Week.

The Solicitors' Journal and Reporter.

LONDON, OCTOBER 20, 1888.

CURRENT TOPICS.

THE LIST OF APPEALS for the Michaelmas Sittings consists of 212 cases, of which 184 are final appeals and 28 interlocutory. Those from the Chancery Division are 72, and those from the Queen's Bench Division 117; the remainder are appeals from the County Palatine of Lancaster, from the Probate, Divorce, and Admiralty Division, and in Bankruptcy. At the commencement of the last sittings the appeals numbered 184, and at the commencement of the Michaelmas Sittings, 1887, 188.

IN THE CHANCERY DIVISION the number of witness actions is large, being not less than 500, whereas a year ago there were about 480, and the same number last sittings. The whole of the Chancery lists aggregate 818, as against 756 in Trinity, 1888, and 845 in Michaelmas, 1887. In the Queen's Bench Division there are 1,143 cases set down, although in accordance with the new rule only a limited number of these will be found in the present list; the cases to be tried with juries are 440, and without juries, 425. A year ago the total number of cases in this list was 1,344, and last sittings, 994. In the Probate, Divorce, and Admiralty list there are 208 cases, 22 of which are probate causes, 130 matrimonial causes, and 56 admiralty causes. The figures in this list for last sittings shew a total of 196, and a year ago 198.

IT WAS SUGGESTED at the Newcastle meeting that the issue of the new rules under the Land Transfer Act, 1875, might indicate that the Lord Chancellor intended to postpone his Bill and try the effect of an improved and simplified voluntary system of registration. The notion is not an unreasonable one, but, although there is little advantage in speculating on a matter as to which nothing can be absolutely known at present, we regret to say that we have some reason to believe that the suggestion does not represent the intention of the Lord Chancellor. It seems to us, in any case, a little hasty to assume that the object of the rules is to supply the want of a Land Transfer Act. There is a matter of the highest importance to the profession which will be practically governed by them. It may be taken that the scales of costs which they will contain will represent the solicitors' remuneration under any compulsory system of registration of title which may be hereafter brought into operation, and it may be that it has been thought expedient, before proceeding further with the Bill, to give to solicitors indirectly that information which we long ago ineffectually urged the Council of the Incorporated Law Society to endeavour to obtain, as to the effect of the Bill on the pecuniary interests of solicitors. Looked at from this point of view, it will be seen that the general approval by the council of the proposed scales, subject to the insertion of a minimum fee on first registration with possessory title and on transfers, is a matter of grave responsibility. The substance of the proposed scales will be found *ante*, p. 771.

THE PRESIDENT'S address at Newcastle was largely devoted to the subject of land transfer, on which, as everyone expected, he made some most valuable observations. One might, perhaps, regret that he did not elaborate more fully the first part of his address, in which he pointed out that the instrument of conveyance of land may be as simple as the form of transfer of stock used by public companies; that practical certainty of title exists already, and that whatever inconvenience and delay there may be in the present system, since the Remuneration Order, falls rather upon the solicitor than the client. He probably thought that in speaking to an assembly of lawyers these facts did not need to be demonstrated at length; but it must be remembered that the publicity given to the president's address affords an excellent opportunity for drumming them into the ears, not merely of the general public, but also of legislators and members of the Government, who appear to stand grievously in need of enlightenment upon these subjects. Assuming that there is any real need for a system of registry of title, we think that nothing could be better timed or more judicious than Mr. LAKE'S observations as to the mode in which any change in this direction should be brought about. We must refer our readers to the report in another column of his remarks on this subject. With his conclusion that a voluntary system of registration might be established which could be made attractive and gradually become universal, we are, and always have been, disposed to agree. But then, as he says, the features of such a system must be registration with a possessory title only, without prejudice to existing interests, and simply as a starting point from which the title would become clear and eventually indisputable; and, in addition to other important requisites, it is essential that the co-operation of solicitors as assistant registrars of small districts should be obtained, and that the central board should be mainly composed of lawyers practically conversant with conveyancing, and having a free hand and entire responsibility for the working of the system. It is astonishing that the authorities do not see how materially the jealous distrust of solicitors which has been shewn by the framers of all the schemes for registry of title has militated against their success. What would be said to a system of State medicine which proposed to dispense with doctors?

THE SCHEME which Mr. LAKE propounded for further simplifying dealings with land in the interest of purchasers without any registry of title was, probably, only suggested for the purposes of discussion. It was not by any means fully worked out, but, so far as we understand it, it would seem to be more like Mr. WOLSTENHOLME'S plan than that of the late Mr. W. S. COOKSON, to which Mr. LAKE ascribes his general idea. Mr. COOKSON proposed a registry, while Mr. WOLSTENHOLME'S scheme was capable of being worked whether a system of registration was or was not adopted. But Mr. WOLSTENHOLME'S plan was propounded before the Settled Land Act was thought of, and he would probably be the first to admit that the changes introduced by that Act have rendered the moulding of any scheme on the lines he suggested very difficult. One flaw of Mr. LAKE'S scheme appears to be incident to every attempt of the kind. If you are willing to regard only the interest of the purchaser and leave the beneficiaries to look out for themselves, there is little difficulty in devising a scheme which will work without a registry, but we question whether any effectual protection for beneficial interests can be contrived which does not involve the existence of a registry. Mr. LAKE proposes that the deed of transfer to the trustees should "require them to act on the request of a named person, or succession of persons, and would free them from responsibility for any act so done," similarly to Mr. WOLSTENHOLME'S proposal that in case of a settlement the legal owner should be unable to alienate (except by way of certain leases) without the consent of named persons *in esse* We presume that the persons whose consent is required would be the beneficiaries, but would not this requirement gravely hamper, instead of increase, the existing facilities for dealing with land? We confess we do not think that the public would look with much satisfaction on the prospect of double deeds, or of the system of official trustees and employment of trust companies which Mr. LAKE contemplates as the result of the proposal. It is possible that the commission-extracting trustee officialism would be found worse even than the officialism of a registry. But, in truth, we do not think that the present is the time for proposing any new scheme of land transfer. The point to be aimed at just now is to prevent an unworkable scheme from being forced on the country.

IN HIS VALUABLE PAPER on the devolution of trust and mortgage estates in copyholds, which we print elsewhere, Mr. BOOTH states his inability to account for the insertion of the now notorious section 45 in the Copyhold Act of 1887. It seems quite clear, however, as we have already pointed out (*ante*, p. 151), that it was intended to avoid the expense which had been found to arise from the necessity of admitting two or more executors, the fines upon admission being in such cases nearly doubled. This, indeed, was

avowed by Mr. EDWARD WAUGH, the chief promoter of the Act, in his evidence before the Committee of the House of Lords, where he said that he had endeavoured to rectify the mischief caused by section 30 of the Conveyancing Act, 1881 (Report, p. 6). But meanwhile the old practice of inserting in wills a devise of trust and mortgage estates had been discontinued, and hence when the descent to executors was abolished it became necessary in their place to seek out the heir-at-law. This result, and the consequent trouble and expense, does not seem to have been foreseen, and still less the decision in *Re Mills* (36 W. R. 393), by which, in certain cases, the estates may be divested out of the executors in order to vest in the heir. As Mr BOOTH points out, great confusion has been introduced, and apparently to no purpose. Now that a devise has once more become necessary, the admission of the devisees simply takes the place of that of the executors, unless, indeed, special precautions are taken to avoid it. Two ways of doing this have been recently pointed out in these columns (*ante*, pp. 556, 690); but even if one of them should be generally adopted, there still remain two conspicuous evils, both of which are emphasized by Mr. BOOTH. A very unnecessary distinction is created between the devolution of freehold and copyhold estates, and in cases where a trustee or mortgagee has died between 1881 and 1887, the authority of *Re Mills* shews that expense and trouble may have been inevitably incurred, simply through reliance on the provisions of the Conveyancing Act of 1881. Upon the whole it seems that the wisest plan would be for the Legislature to act upon Mr. BOOTH'S suggestion—and he is in a position to speak with authority on the subject—and to repeal the 45th section from the date upon which it came into operation, except as to anything already done thereunder. It has been suggested by a correspondent in these columns (*ante*, p. 557) that trust or mortgage copyhold estates might, by statute, be made to devolve upon a person to be appointed within a limited time by the executors, or otherwise on the executors themselves; but while this would save the expense of an admittance, it would continue the present distinction between freehold and copyhold estates. So far as the expense of admitting several executors is concerned, that might easily be dealt with by direct enactment.

WE COMMEND Mr. MUNTON'S paper on the amalgamation of the two branches of the profession to the consideration of our readers, and especially of the benchers of the Inns of Court. The very small majority by which it is understood that the resolution refusing to solicitors similar facilities for becoming barristers as barristers have for becoming solicitors was passed by the joint committee of the Inns of Court is sufficient evidence of the sense of the unfairness of the existing distinction prevailing even in the Inns. What is needed, alike in the interest of the public and the profession, is not a system of legal Jack's-of-all-trades, but facility for any man in one branch who feels that his abilities better fit him for the other branch to pass into it without undue difficulty, and we are glad to find that the view we have from the first maintained was confirmed by the vote of the meeting at Newcastle. We must, at the same time, express some regret that the other side was not better represented than it was by Mr. FOLLETT'S paper. Some of his hearers must have been reminded of the famous undergraduate under examination whose

> "facts were weak, but his native cheek
> Brought him serenely through";

only that in Mr. FOLLETT'S case the "cheek" was not "native" but "cheek" (in the school-boy sense) of the other branch of the profession. If it was worth while to revive the cry for fusion at all, it was surely desirable to set forth carefully and dispassionately the reasons in favour of it.

The October Sessions at the Central Criminal Court will begin on Monday next. Denman, Mathew, and Cave, J.J., are the judges on the *rota*, but the last-named judge only is expected to attend.

According to the *Academy*, Mr. F. A. Inderwick, Q.C., has written a volume of historical essays on the Stuart period, which will shortly be published by Messrs. Sampson Low, with illustrations. As might be expected, Mr. Inderwick has been specially attracted to legal questions, such as those arising out of the trial of Charles I. and the regicides and the bloody assize of Jeffries.

POSSESSORY TITLES.

VI.

3.—CONCURRENT INTERESTS.

(*C*) *Mortgagor and Mortgagee* (*continued*).

(ii.) *Where the mortgagee is in possession.*—This case is governed by section 7 of the Act of 1874, which replaces section 28 of that of 1833. Time runs against the mortgagor from the date when the mortgagee takes possession, and the bar under the statute is complete in twelve years. The greater part of the section deals with the effect of an acknowledgment of the mortgagor's title; this we shall consider presently. In most cases the existence of the mortgage and the possession of the mortgagee are sufficiently clear, and no difficulty arises. It is important to observe, however, that the mortgagor must hold under his mortgage title, for otherwise this section will not assist him. Thus, when he enters under a conveyance from the tenant for life, the rights of the remaindermen are preserved, and the statute does not run until they fall into possession: *Raffety* v. *King* (1 Keen, 601); and the result is the same where a mortgagee, already in possession, purchases the interest of the tenant for life: *Hyde* v. *Dallaway* (2 Hare, 528); this checks the operation of the statute in his favour. So, too, though the mortgagee becomes merely a tenant in common; for, as such, he is entitled to the whole rents, subject to account with his co-owners: *Wynne* v. *Styan* (2 Phil. 303). An interesting case of the operation of the section occurred in *Browne* v. *Bishop of Cork* (1 Dr. & Wal. 700). There a sale was effected in consideration of the purchaser paying off the incumbrances. This he did, and entered into possession, but he took no conveyance. The incumbrances, however, had been assigned to a trustee for him, and so he came within section 28 of the Act of 1833, and the claimants under the vendor were barred. But where a solicitor paid off a mortgage due from his client, and then took possession of the rents of the land, it was held that his possession was that of his client, against whom, therefore, the statute did not run: *Ward* v. *Carttar* (1 Eq. 29). There was an old rule that, so long as the mortgagor remained in possession of any part of the mortgaged land, time would not run against him; but this is now abolished: *Kinsman* v. *Rouse* (17 Ch. D. 104).

4.—CHARGES UPON THE LAND.

Having thus considered the manner in which the various estates in the land, successive and simultaneous, may be barred by the statute, it remains to notice shortly those charges upon it which may be enforced against a possessor, unless they also have been properly extinguished by lapse of time. Amongst these it might be thought that a mortgage should be included, but the peculiar estate in the land conferred in our law upon a mortgagee makes it more convenient to look upon him as to a certain extent an owner, and this course is justified both by the frame of the statute and by the decision in *Harlock* v. *Ashberry* (19 Ch. D. 539), where it was held that a foreclosure action is an action to recover land, and not to enforce a charge.

Charges may be of two kinds, according as they consist of periodical payments with which the land is burdened, or of principal sums payable thereout. To the first class belong annuities and rent-charges, and these by the interpretation clause, section 1 of the Act of 1833, are included in the word *rent*, and all the sections relating to estates and interests in land, which we have hitherto been considering, apply equally to rents of this nature and to estates and interests therein. It is, therefore, unnecessary to refer to them further. But with regard to charges of the other kind, the law depends upon section 8 of the Act of 1874. According to this, no action is to be brought to recover any sum of money secured by mortgage, judgment, or lien, or otherwise charged upon any land or rent, but within twelve years next after a present right to receive the same shall have accrued to some person capable of giving a discharge or release. Payment, however, of any part of the principal or interest will defer the operation of the statute, and also an acknowledgment of title in writing. Upon this it may be useful to refer to Lord St. Leonards' remarks in *Henry* v. *Smith* (2 Dr. & War. 381), where it was pointed out that a judgment is an immediate charge within the corresponding section of the Act of 1833 (section 40). "It is clear that as a mortgage is an actual charge, so a judgment is a potential charge,

and the judgment creditor has a right to recover his debt against the lands." Moreover, while a judgment is in existence and time under the statute is running against it, it may be revived by *scire facias*, and thereupon time will run afresh. This was decided by the House of Lords in *Farrell* v. *Gleeson* (11 Cl. & Fin. 702); but the writ of *scire facias* will not be issued if the twelve years have already elapsed: *Dunne* v. *Doyle* (10 Ir. Ch. R. 502), unless payments in respect of the judgment have been made within that time: *Williams* v. *Welch* (3 Dow. & Low. 565).

Of course, where the owner of the charge happens to be also tenant for life of the land, the rents out of which the interest should be paid go to the person to whom the interest is due, and there is no reason why time should run against the charge. Accordingly it was held in *Burrell* v. *Earl of Egremont* (7 Beav. 205) that the statute does not run till the death of the tenant for life. More recently a case occurred where the land and the charge were in the same *cestui que trust*, but for each there was a different set of trustees; nevertheless the same principle was applied: *Topham* v. *Booth* (35 Ch. D. 607).

As we have seen, the operation of the statute against the charge is prevented by payment of interest. Where the land is in settlement, such payment will be made by the tenant for life, and will bind those in remainder. But this doctrine, which is quite clear where there is an actual subsisting charge upon the land, has been applied also to payment of interest by the tenant for life in respect of a bond debt: *Roddam* v. *Morley* (1 De G. & J. 1); and more recently to a similar payment in respect of a simple contract debt, so as in each case to keep alive the right of the creditors to resort for payment to the land: *Hollingshead* v. *Webster* (37 Ch. D. 651). The doubt as to whether a charge could be kept alive by an express trust was removed by section 10 of the Act of 1874, which provides that both the charge and arrears of interest in respect of it shall only be recovered as if there were no trust.

5.—Extension of Time in Case of Disability.

In respect of the various interests which we have thus examined, time under the statute begins to run upon the accrual of the right, and is completed in twelve or six years from such accrual. In certain cases, however, the disability of the claimant is allowed as an excuse for not bringing an action, and an extension of time is allowed. Such disabilities, by section 3 of the Act of 1874, are infancy, coverture, idiotcy, lunacy, or unsoundness of mind, the old disability of absence beyond the seas being abolished by section 4. It is necessary that the disability should attach to the owner of the right at the time when it first accrues, and by section 18 of the Act of 1833 no further time is allowed for the disability of any subsequent claimant. Successive disabilities in the original claimant, however, are allowed to be joined together: *Borrows* v. *Ellison* (L. R. 6 Ex. 128). In the case of disabilities thus recognized, a further term of six years is allowed from the time when the disability has been removed or the person labouring under it has died, whichever first happens. But section 5 of the Act of 1874 provides that in no case shall the time be extended beyond thirty years. It is to be noted that these provisions only extend the time for the recovery of land or rent, and therefore do not apply to charges under section 8. Neither do they apply where a mortgagee has taken possession; in this case there is no extension of time by reason of the disability of the mortgagor: *Forster* v. *Patterson* (17 Ch. D. 132).

6.—Acknowledgment of Title.

The bar to the statute in case of disability is only partial; an extension of time is granted, but no more. The bar effected by an acknowledgment of title is complete; all time that has hitherto run in favour of the possessor is lost, and from the time of the acknowledgment it must begin to run afresh. This is the result of section 14 of the Act of 1833, and of section 7 and 8 of that of 1874. These provide respectively for claims to land in general, for claims against mortgagees in possession, and for claims to money charged upon land. With regard to claims to land in general, they are kept alive by an acknowledgment in writing given by the person in possession to the person entitled or his agent; with regard to claims against a mortgagee in possession, they are kept alive by an acknowledgment in writing given by the mortgagee to the mortgagor or his agent; and with regard to claims to charges upon land, they are kept alive by an acknowledgment in writing given by the owner of the land or his agent to the person entitled to the charge or his agent. Thus in the first two cases the acknowledgment can be made to, but not by, an agent; *Ley* v. *Peter* (6 W. R. 437); in the last it can be made both to and by an agent.

As to what expressions will constitute an acknowledgment of title the cases are numerous, but each depends upon its own circumstances, and it does not seem necessary to refer to them particularly. The most interesting point that has arisen concerns the effect of an acknowledgment made by a possessor when the title of the former owner has been already extinguished by lapse of time. In *Pendleton* v. *Booth* (1 De G. F. & J. 81), a testator gained a title by possession and then devised to C. in tail, remainder over. C. subsequently acknowledged the title of the former owner and took a conveyance from him to himself in fee. It was held that the remaindermen had lost their rights, but Lord St. Leonards appears to have disapproved of the decision (Real Property Statutes, p. 113). In the earlier case of *Stansfield* v. *Hobson* (3 D. M. & G. 620), an acknowledgment was held to bind a mortgagee, though he had been more than twenty years in possession. But these cases have now been overruled by *Re Alison* (11 Ch. D. 284) and *Sanders* v. *Sanders* (19 Ch. D. 373), in which it has been laid down that an acknowledgment after the statute has run does not take the case out of the statute. This, of course, is a natural deduction from section 34 of the Act of 1833, by which, upon the lapse of the full time, not only is the remedy barred, but the right is extinguished. Upon this enactment depends largely the validity of the new possessory title which is gained.

THE NEW LAW COURTS BRANCH OF THE BANK OF ENGLAND.

At the southern corner of Bell-yard stands the new building erected by the Bank of England for the purpose primarily of carrying on the work connected with the suitors' funds in court, but generally for all banking business. The extent of the funds in court and the large number of those interested in them will lead many, as well lawyers as suitors, to take an interest in this building and the accommodation it will afford for those resorting there. In the rooms at the Royal Courts of Justice now occupied by the bank the space is very limited, and does not, in fact, provide sufficient room for carrying on the work and for storage for the many valuables there deposited. In the new building the accommodation will be ample, and no pains have been spared in aiming at perfection in all departments.

The whole building is of stone, and on the Fleet-street or principal front the lower tier is composed of large blocks of Cornish granite each weighing more than a ton, the quadrangular face of each stone being bevelled at the edges and rough cut in the centre panel, giving on the whole an aspect of solidity and stability eminently characteristic of the uses to which the building is devoted. The land on which the new bank is erected comprises the site of the Haunch of Venison tavern (which has been re-erected in Bell-yard further north), and also that of Apollo-court and of the ancient chophouse known to all London lawyers as "The Cock." One alteration which arises out of the erection of this building will not be thought an improvement by everyone. As the width of Bell-yard is increased by the line of building being thrown back, it is proposed to continue the carriageway down Bell-yard into Fleet-street so that one vehicle at a time only will be able to pass up or down.

Entering the building from the principal entrance in Fleet-street by a short flight of steps, we find ourselves in an entrance porch which is enclosed by folding gates of hammered iron of great strength and artistic workmanship. Through this porch access is gained to the "office." This is an extensive apartment, in which the ordinary transactions with customers will be carried on. Ample space will be afforded for the numerous suitors who, on the periodical dividend days, come to receive their dues, as well as for solicitors paying money into court. So much of the area of this office as is devoted to the public is paved with a tesselated floor of marble, while inside the counter the floor occupied by the bank clerks is of wood.

The whole building will be lighted by electric light supplied by an engine in the basement portion of the premises and supplemented by accumulators capable of giving a supply of electricity for twenty-four hours; this, moreover, is again supplemented by a supply of gas which can be used should an emergency arise. Underneath a portion of the office, and arranged so that none of them abut on an outer wall, are the various strong rooms for storing securities and other valuables, and a safe for "treasure." In these strong rooms the bank-books are deposited at night, and wherever is required in the office will be raised by means of a lift, thus saving much labour.

The private office of the bank manager is immediately facing the main entrance, and contiguous to it are waiting-rooms, which can be used for various purposes, such as consultations, examining securities, and detaching coupons and inspecting the contents of customers' boxes of deeds, &c.. Warm water coils are distributed throughout the whole building The upper portion will be the abode of the manager and his family, and forms a commodious dwelling with a private entrance in Bell-yard. At the rear of the premises there is a small yard having an entrance through folding-doors in Bell-yard, so that any vehicle bringing valuables to the bank can be driven in and secluded from observation when the doors are closed.

As a whole, the new building, when viewed from the street, imparts an idea of grandeur, and compares by no means unfavourably with other new erections in London, even where expense has not been spared. Obviously, the new bank, while affording convenience for legal business at least equal to, if not far greater than that now given—this being its *raison d'etre*—will also be valuable for other customers whom its proximity to legal quarters will attract.

SOME IMPRESSIONS OF THE NEWCASTLE MEETING.

[BY A VISITOR.]

MR. PENNINGTON was right when he said that the recent meeting was one of the most interesting he had attended. The observations made by the speakers he justly characterized as practical and sensible, and the papers (I should say with one exception) as worthy of the reputation of their writers. Mr. Lake made an excellent president, clear, courteous, and decisive. The main interest, of course, centred in his address, which was both able and eloquent. The discussion upon it was at first confined to that portion which deals with the Solicitors Bill, and a resolution was unanimously passed approving of the Bill and thanking the Master of the Rolls for the time and trouble devoted by him in reference to it, and for his courtesy and easy accessibility in all matters affecting solicitors. The discussion on the part of the address which refers to the registration of titles to land was then commenced, but it was not of so harmonious a nature, for while most of the members agreed that it would be better that things should be left as they are, many of them recognized that registration of title in some shape or another was inevitable, and that the proper thing to be done was not to oppose it but to try and make it as workable as possible. A resolution was proposed to the effect that the council should be requested to prepare a Bill on the lines suggested in the president's address as an alternative proposal to those contained in the Lord Chancellor's Bill of last session. The motion, however, did not receive any material support, and was eventually withdrawn.

Mr. Simpson's paper on the Future of the County Courts was very fully discussed, and the truth of the saying "that much might be said on both sides" was fully exemplified. Some of the members regarded the judges and registrars of the county courts as more nearly perfection than even the judges and officials of the High Court, while others were not quite of this opinion with regard to either.

Then came what, to some extent, was the feature of the meeting—and not a very happy one in my opinion—viz., the reading of Mr. Follett's paper on Fusion, by Mr. C. T. Saunders, of Birmingham. I cannot but regret that such a paper should have emanated from a member of the council, more particularly such an admittedly able man as Mr. Follett. The tone of the paper was bitter, the language was often flippant, and many of the arguments untenable. Mr. Munton then read his paper, and moved a resolution to the effect that there is no sufficient reason for fusion; that what is required is that barristers and solicitors should be placed on the same footing with regard to passing from one branch of the profession to the other. Some members spoke strongly in favour of fusion, others as strongly against it, while most of the members deprecated the language used by Mr. Follett. Eventually, the preamble to Mr. Munton's resolution was carried by a large majority, and the substantive part of it was carried unanimously.

The business part of the proceedings was varied by the dinner at Lord Armstrong's banquetting hall at Jesmond Dene; some private dinners given by local solicitors, visits to the Elswick Coal Co. and the Union Club; the *conversazione* at the Museum of Natural History; and the excursions to the Roman Wall and Durham. The president and some members of the council visited, by private invitation, Lord Armstrong's works on Friday, and were shewn over the building by his lordship. The meeting was, on the whole, most agreeable and successful.

Contrary to the usual custom, however, no invitation was received for next year, and it was left to the council to decide where it should be held. I hear, however, that probably an invitation may be received either from Nottingham or from Exeter and Plymouth, or from Huddersfield, the solicitors of which, some years ago, were very anxious that the society should visit that town.

CASES OF THE WEEK.

BEFORE THE VACATION JUDGE.

WENLOCK *v.* THE MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY CO.—Sir James Hannen, 17th October.

RAILWAY—COMPULSORY POWERS—ENTRY ON LAND—ILLEGALITY—INJUNCTION—LANDS CLAUSES CONSOLIDATION ACT, 1845, s. 85.

In this case counsel moved on behalf of the plaintiffs, the Dowager Lady Wenlock and the Honourable C. C. Molyneux, the trustees of the will of the late Lord Wenlock, and mortgagees of certain lands at Hawarden to the amount of £60,000, asking that the defendants might be restrained from continuing in possession of part of the land at Hawarden until they had complied with the provisions of the Lands Clauses Consolidation Act, 1845. For the plaintiffs it was said that an *interim* injunction was granted in a similar action brought by the present plaintiffs against the defendants in respect of adjoining land (*ante*, p. 776). The defendants had since entered into possession of other land without observing the forms of the Lands Clauses Consolidation Act, 1845. The plaintiffs had, therefore, been compelled to bring a new action against the defendants, and asked that the *interim* injunction obtained *ex parte* might be continued until the defendants had complied with the ACT. For the defendants it was said that the new action should not have been brought at all; the plaintiffs were proceeding piecemeal, bringing actions field by field. [Sir JAMES HANNEN said that it appeared to him that the company were proceeding piecemeal.] The defendants now undertook not to continue in possession of the land, and were proceeding with all diligence to conform with the Act. In the other action, on the 3rd of October, an affidavit was read which stated that Sir Edward Watkin, the chairman, had given instructions to the resident engineer to push forward the works as quickly as possible, and to let nothing but an injunction stop him. Sir Edward Watkin now, in an affidavit, said that he never spoke to Mr. Cottrell, the resident engineer at Chester of the defendant company, on the subject of the land referred to in this action, nor did he ever give him instructions to proceed with the works over the plaintiffs' property as quickly as possible, and to let nothing but an injunction stop him, nor had he ever urged him to push on the works on the land referred to with any unusual speed, nor had he ever had any conversation with him on the subject of it. It was untrue that he ever anticipated that the plaintiffs would apply for an injunction; on the contrary, he believed that an agreement had been made by the company for the purchase of the lands described in the writ by all necessary parties.

Sir JAMES HANNEN said that he did not enter into such matters; such accusations against particular persons, unless they were necessary, had no effect upon his mind, but the fact remained that the plaintiffs had been compelled by the conduct of the defendant company to make two applications, and were entitled to have the *interim* injunction continued until the defendants had complied with the provisions of the Lands Clauses Consolidation Act, 1845. The costs would be reserved.—COUNSEL, *Marten*, Q.C., and *Kenyon Parker*; *Millar*, Q.C., *J. T. Prior*, and *Howell*. SOLICITORS, *Emmet, Son, & Stubbs*; *Field, Roscoe, & Co.*

***Re* PATRICK, BILLS *v.* TATHAM—Sir James Hannen, 17th October.**

RECEIVER — EX PARTE ORDER — URGENCY — COMMITTAL—TIME—R. S. C., 1883, L., 6.

In this case counsel moved to continue the appointment of a receiver of the estate of Mr. Patrick, obtained *ex parte* on the 10th of October, and for leave to issue a writ of attachment against the defendant Miss Margaret Teu Patrick and Mr. Thomas Shelton Crickitt, a solicitor, for non-delivery of documents in compliance with the order. For the plaintiffs it was said that Mr. Edwin Wilding had been appointed receiver; he was a fit and proper person, and should be continued. They were also entitled to leave to issue a writ of attachment against the respondents. For the defendants it was said that the plaintiffs' solicitor, Mr. J. B. Crook, had proceeded in a high-handed manner. The receiver should never have been appointed *ex parte*. Lindley, L.J., in *Lucas* v. *Harris* (35 W. R. 112, 18 Q. B. D. 127), said: "*Ex parte* applications for a receiver ought not to be granted even after judgment, except in case of emergency, and it is desirable that this rule should always be borne in mind, and not be lightly departed from." Then no undertaking had been given as to damages: *Taylor* v. *Eckersley* (24 W. R. 450, 2 Ch. D. 302).

Sir JAMES HANNEN said that his mind had fluctuated a good deal during the discussion, and he must say that he considered that the enormous expense caused by the discussion and the mass of affidavits that had been filed arose from the strong observation of Lindley, L.J., in the case of *Lucas* v. *Harris* not being observed. If the application had not originally been made *ex parte*, then the long discussion which had taken place that day, and the mass of affidavits which had been read, might have been avoided. In that case the defendants would have been represented before his lordship, and it would have been proved that it was a prudent course to appoint a receiver, and the matter would not have been conducted in the arbitrary way in which it had been. If in this case it was necessary to obtain a receiver *ex parte*, then it would be necessary in the case of every person who died. The defendant, Miss Patrick, was living in the house; some pressing necessity should have been shewn, as

that the documents would have been improperly disposed of. There was no fear that Miss Patrick would do away with the documents. It was necessary that something should be done; he did not feel sufficiently confident to deal with the matter fully, but should act upon the principles by which judges of that division were guided, and should appoint a receiver. He reserved the question upon whom the costs should fall; if this case were his proper business, he should require Mr. Crook to pay some portion of the costs; the matter was carried on in an arbitrary manner. He, however, reserved the question of costs, and contented himself with that expression of opinion. There was no reason why a receiver should have been appointed *ex parte*; there was no pressing necessity. Nothing had been said against Mr. Edwin Wilding, the receiver appointed, but his appointment was improperly obtained. It was necessary that a receiver should be appointed, but he left it open as to who should be appointed. Then there was the question whether Miss Patrick and Mr. Crickett, jun., should be committed to prison. The usual order limited a time within which something should be done; in the order of October 10 no time was specified. In his opinion there had been no breach of the order; where no time was specified a reasonable time, under all the circumstances, was given. Here the defendants would naturally have required time to make an inventory. There was, in his opinion, no pretence for the application for committal, and it would be dismissed, with costs. He made an order appointing a receiver, with the usual reference to chambers.—COUNSEL, *Marten*, Q.C., and *E. Ford*; *Millar*, Q.C., and *C. J. Peile*; *A. F. Peterson*. SOLICITORS, *J. B. Crook*; *Crickitt*; *A. F. Coe*.

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The annual provincial meeting of the Incorporated Law Society was held on Tuesday and Wednesday at the Assembly Rooms, Newcastle-on-Tyne, the president, Mr. B. G. LAKE, taking the chair.

Mr. N. G. CLAYTON, president of the Newcastle Incorporated Law Society, cordially welcomed the members on behalf of the city, and also of the law society of the city.

PRESIDENT'S ADDRESS.

The PRESIDENT read his opening address.

REGISTRATION OF TITLE.

After some preliminary remarks, and a brief review of the way in which the present system of conveyancing has grown up, and how far it has been hindered or developed by legislation, the president continued: This rapid review of the history of conveyancing appears to me to shew that legislation in a matter so closely affecting daily life will certainly fail unless it be in substantial accordance with the wishes and interests of those affected, and will only lead to increased expense and delay by necessitating cumbrous and fictitious devices in order to enable the persons interested to carry out their objects notwithstanding the attempted prohibition. Until a comparatively recent period, land retained its feudal character and secured to its owner special rights and privileges. Great care was therefore taken to secure absolute safety for every interest in land, however remote; and the security of the actual owner was more considered even than that of a purchaser for value. *Caveat emptor* is a well-known legal maxim, and the spirit which it embodies rendered necessary the utmost caution and the strictest investigation on the part of the intending purchaser and his advisers. The tendency of modern legislation is more in favour of the purchaser, and the avowed object of law reformers now is to make land transferable with the same facility as Government stock (ignoring the essential differences between the two things), and to insure an unimpeachable title to the purchaser, even at some risk to those interested in the land sold. The two points which, in furtherance of this object, the advocates of the registration of title to land appear to have in view are publicity of dealing and certainty of title. Publicity of dealing, if past experience may be taken as a guide, is opposed to the general feeling of landowners, and will certainly be evaded. Certainty of title—if it is to be absolute and immediate—can only be attained at the cost of a complete revolution in conveyancing, accompanied by great expense and inconvenience to existing landowners. Practical certainty exists already: for I appeal confidently to the experience of practising solicitors, whether cases of loss owing to defective title or to forged documents are not of extremely rare occurrence—certainly very far less numerous than cases of loss by forged cheques or bills of exchange, or by forged or fraudulent transfers of shares or stock. The inconvenience and delay of the present system is, in my opinion, much exaggerated; and, whatever it may be, it now falls rather upon the solicitor than the client. For since the passing of the Solicitors' Remuneration Act, the solicitor receives the same payment, whether a transaction be simple or complicated, rapidly carried through or long in hand. It is, therefore, his obvious interest to carry the business through as speedily as possible; and, as this mode of payment becomes generally understood by clients as well as by the profession, and as the amendments introduced by the Conveyancing Acts of 1881 and 1882 become more familiar, greater simplicity and expedition will become the rule. It is, however, to be remembered that it is very often convenient to delay the completion of sales and purchases until quarter-day, as well in consequence of change of tenancies, as of apportionment of outgoings.

AN ALTERNATIVE SCHEME.

If it be thought necessary, without giving longer trial to the greatly simplified system of conveyancing, to further simplify dealings with land in the interest of purchasers or grantees for value, such a result may be attained without the introduction of registration, with its attendant officialism and cost, by enacting that in all future dealings with land by way of sale, mortgage, or settlement, the whole fee simple of the land dealt with shall be absolutely vested in some one or more persons, not exceeding (say) four, who shall have an absolute power of transfer; that any subsidiary dealings with the equitable interests shall be carried out by supplemental deed; and that no purchaser or other grantee for valuable consideration shall be affected by such subsidiary dealings, whether he have or have not notice of their existence. The last suggestion, though essential, may appear rather sweeping—but an analogous provision has been recently adopted by Parliament, and will be found in the Yorkshire Registries Act, 1884. In cases in which (although no trust were declared by the deed of transfer to them) the holders of the power of transfer were in fact trustees for the person or persons beneficially entitled, their concurrence in any lease, or other similar dealing would be necessary, but this concurrence would be formal. The deed of transfer to the trustees would require them to act on the request of a named person, or succession of persons, and would free them from responsibility for any act so done; while, if deemed advisable, the execution of a transfer by a sole survivor might be made to require the concurrence of a named person or an order of court.* The establishment of such a system would probably lead to the creation of an official trustee or trustees, or the employment of trust companies to fulfil the duties of trustee, and after a comparatively short period an investigation of the earlier title would be unnecessary, since the production of the two or three last conveyances would in a few years sufficiently prove the right of transfer, and satisfy the intending grantee. No registration would be necessary, no revolution of the existing system would take place; and although in the case of a settlement, mortgage or deed of family arrangement two deeds would be rendered necessary (as under like circumstances, except, perhaps, in case of a mortgage, would be required if the subject dealt with were Government stock), the additional cost would not be serious, and, whatever its amount, would fall on the person or persons for whose benefit the subsidiary deed was required. In no case could the title be incumbered, or the expense of actual transfer to a grantee be increased. This is, indeed, the principle upon which good conveyancing now proceeds, and if made compulsory, and if grantees for value were relieved from any inquiry into and from the consequences of notice of equitable claims or interests, all that is really valuable in the proposed conveyancing reform would be secured. To complete the system the proposed legislation should provide, as recent Bills have proposed, that land should, on death of a sole owner, vest in and be dealt with by the legal personal representative, as is now the case with leasehold interests, so as to avoid incumbering the title with the provisions and limitations of an ill-drawn will, which constitute at present one of the principal sources of difficulty in conveyancing. Similar provisions could be made with regard to leasehold interests in land, but, pending a general enfranchisement, copyhold land would be dealt with as at present. By such a system, certainty of title in the purchaser or grantee for value would be secured, without much increased risk to the persons entitled to equitable interests, since, at present, a great part of the land of England can be sold by trustees or mortgagees, and a clear title given to purchasers notwithstanding the existence of equitable interests. Probably the suggestion would be deemed too simple and unambitious to satisfy the modern legislator; and it can hardly be doubted that another attempt will be made in the next session to establish some system of registration of title—a system which has in theory many attractions, and might be so constructed as to offer real advantages. The Bills introduced by the Lord Chancellor in 1887 and 1888 have been so fully discussed, and their defective character has been so clearly shewn, that no useful purpose would be served by my now examining or criticizing their provisions. More usefully, perhaps, may I venture upon some suggestions as to the means by which, if Parliament determine to revolutionize the existing system of conveyancing the object may be best attained.

THE ESSENTIALS OF SUCCESS IN REVOLUTIONIZING CONVEYANCING

In the first place, the introduction of any Bill must be preceded by the decision, if not of Parliament, at least of the responsible Government, upon the principles on which it is to be based, and which are to be adhered to as vital; as, for instance, that the system is or is not to be immediately or ultimately compulsory—is or is not to involve publicity of dealings—and is or is not to give a guaranteed or an indefeasible title. These are the three principal points which will determine the scope of the measure, and with these settled much of the draftsman's difficulty will be removed. The Bill, before being introduced into Parliament, should be submitted for criticism to a strong representative body, upon which barristers and solicitors thoroughly versed in practical conveyancing should have a leading voice. The views of this body would be considered by the Lord Chancellor, who, as representing the Government, must ultimately decide on the frame of the Bill. For the following extract from the "Statement of the Land Laws" (p. 16), issued by the Council in 1886, remains perfectly true:—"The success of the great measures of 1881 and 1882 (and, indeed, of all the successful conveyancing statutes of the last fifty years) is entirely due to the fact that their provisions were suggested, drafted, or corrected by practising conveyancers (barristers and solicitors) intimately acquainted with the difficulties to be overcome." The absence of practical knowledge on the part of the framers of the Land Transfer Bill of the last and present sessions was one of the causes which led to its

* The general idea embodied in the foregoing suggestions was originally put forward by the late Mr. Wm. Strickland Cookson, then a member of the council, some thirty years since, but was scarcely feasible in the then state of the law.

complete want of success. In like manner, the absence of practical knowledge of the working of the existing system led to the failure of the well-intentioned Companies Bill; while, on the other hand, the conspicuous success of the Chancellor of the Exchequer's Conversion Scheme was, in a great measure, due to the pains taken to ascertain the opinions of brokers, solicitors, and others practically conversant with dealings in stock, and the consideration given to their suggestions. The Bill, when finally decided on and introduced into Parliament, must be thoroughly supported by the Government, and be passed, as were the great Conveyancing Statutes of 1832 and 1833, without material addition or modification.

As to compulsion.—The question of compulsion is rather for statesmen than for lawyers, but is one upon which the opinions of practitioners cannot but be of value. It is not too much to say that their opinion is almost unanimously adverse to compulsory registration, at all events in the first instance. Indeed, the very fact that compulsion is deemed necessary is condemnatory of any system, for compulsion involves the assumption that there is no real desire for the proposed change, and that it would not be adopted voluntarily—in other words, that it is not suited to the needs of landowners, and would not meet their requirements. If registration of title is to effect so great a saving of time and cost in all dealings with registered land, and is to bring about so great a security of title and possession as its advocates claim, may it not be trusted to win its own way, leaving those who prefer the present system of conveyancing to throw away their money by continuing an imperfect system, if such be their preference? Compulsion will, it is certain, involve great additional cost, for some system of insurance will be essential as well as an enormous staff of officials. On the other hand, if registration be voluntary, no insurance fund will be needed, for the liability to error or fraud will be no greater than at present, and need not be provided against. Insurance of title is already offered by several substantial insurance offices, but the danger of loss from defective title is so small that in but very few instances has recourse been had to their protection. Moreover, if a landowner is compelled to register his land, whether he so desire or not, the cost of first registration, at all events, should in fairness fall upon the country, and not upon the landowner, who has no option whether to accept or decline the experiment. Upon the point of compulsion I venture to call in aid the opinion of Lord Bramwell, who, in the address which he delivered in May last before the Institute of Bankers on the "Law of Limited Liability," said:—"It (the law of limited liability) is simply permissive and enabling, but everyone can refuse to have anything to do with the formation of a limited liability company, or to deal with them afterwards. Its being of a permissive character was in itself a recommendation, because people are none the worse for having an option, though sometimes they may make a bad use of it. . . . I think there never was a more perfect success than the Act of Parliament establishing the law of limited liability. As I have said, it was perfect voluntary and permissive, no one being compelled to have anything to do with it unless he thought fit; but with scarcely an exception, from the time that law came into existence down to the present, every public company formed, except those that have had to go to Parliament and get incorporated in other ways, has been formed on the limited-liability principle. . . . I say that the law of limited liability, in the sense in which I use the expression, has been a great success, because it has been voluntary. There has been no compulsion in it, but it has been universally adopted except in a few cases." If it be urged that Lord Westbury's scheme of 1862 and Lord Cairns' scheme of 1875 failed to take root, I reply that this was due partly to inherent defects in the schemes, partly to the fact that no serious effort was made to perfect the scheme and to achieve success. On the other hand—to quote from the pamphlet on Land Transfer, published by order of the Bar Committee in 1886 (p. 82)—"if either the Act of 1862 or the Act of 1875 had been made compulsory, it would have proved to be an intolerable public nuisance; it would have effected an almost complete obstruction of business; it would have provoked a formidable burst of rage and indignation; and it would have been repealed in the very next session of Parliament." If a voluntary system, after being well thought out, be established, its success will greatly depend upon its management, which must be intrusted to men trained to conduct and practically acquainted with conveyancing business and dealings in land, interested in the system and desirous to make it succeed, and authorized to spend a little money in making the advantages of the system generally known.

As to publicity.—Whether or not the dealings with registered land shall be public—whether, that is, publicity is to be a part of any new system—is a question upon which I have already said enough. Publicity would, I believe, be very unpopular, and could hardly be secured in face of the pressure which would be put upon the legal profession to devise means to evade it.

As to guaranteed or indefeasible title.—Nor, in my opinion, is an absolute title, whether indefeasible or guaranteed, required; or, except at great cost, immediately practicable. Of the two, a guaranteed title is greatly to be preferred. An indefeasible title—by which I understand to be meant a title absolutely good against all the world—is, in fact, unattainable, unless the element of error, which is inseparable from all human work, can be absolutely eliminated. For if by error or accident in the description or plan of a piece of land, of which an owner is already registered with an indefeasible title, is conveyed to another with a like title (and such a case has occurred at least once in Ireland), what becomes of the indefeasibility? Each person upon the certificate appears indefeasibly entitled to the same piece of land, but, as both cannot exclusively possess it, one must accept compensation, or must, in other words, recognize that his title is not indefeasible. On the other hand, a guaranteed title is quite possible, and may be in practice convenient. By a guaranteed title I mean a title which the registrar or other authorized authority will accept as substantially perfect; and which, while it will not prejudice the rights of any real owner whose interest may have been overlooked, will entitle the holder to full compensation in the event of eviction by the real owner. As existing rights (if any) would not be affected, the registrar could accept a title on the same degree of evidence which is now in practice deemed sufficient; whereas, if a title is to be certified as indefeasible, the slightest possibility of error must be guarded against as far as possible, and a strictness of evidence exacted which is never in practice asked for, and cannot always be obtained. Failing such evidence, the title can only be certified as qualified, and the fear of this qualification would deter many from applying for registration at all. Indeed, as has been more fully shewn in the observations issued by the Council of the Incorporated Law Society on the Land Transfer Bill of this session, it would be far better not in the first instance to attempt to give either a guaranteed or an indefeasible title, and to confine registration to the existing or possessory title, which would in course of time become clear and indisputable. Such registration would do away with the necessity for an insurance fund (for no responsibility for the title would be undertaken by the State), and for the skilled and therefore costly staff which would be essential if investigation of title is to be insisted on. Such a registration would, however—to quote the felicitous and often-cited expression of the Land Transfer Commissioners of 1870—be "as if a filter were placed athwart a muddy stream; the water above remains muddy, but below it is clear; and when you get so far down the stream as never to have occasion to ascend above the filter, it is the same thing as though the stream was clear from its source."

Speaking personally, and without claiming to represent the society or any members of it, I believe that—although, having regard to the greatly simplified system of conveyancing introduced by, or consequent on, the Settled Land Act and Conveyancing Acts, and the fixed scale of costs authorized by the Solicitors' Remuneration Act, 1881, registration is not really necessary—a voluntary system might be established which could be made attractive and gradually become universal. But the essential feature of such a scheme would be that registration should be with a possessory title only, without prejudice to existing rights, and simply as a starting point from which the title—or, more accurately, the right of transfer—would become clear, and eventually indisputable; that the register should be confined to the absolute interest, whether in fee simple or for a long term of years, and to mortgage or money charges thereon, all other subsidiary interests being protected by cautions, stop orders, or inhibitions; that estates tail in land should be abolished, or rather should, upon the coming of age of the tenant in tail, be, without any deed or other formality, enlarged into a fee simple; that a real representative should be appointed, in whom, upon the death of the owner, freehold land should vest; that, in the first instance, the system should be subsidized, not self-supporting, so that the fees on first registration might, say for five years, be almost nominal, as an inducement to landowners to try the experiment; and that the co-operation of practising solicitors, and their extensive knowledge of titles, should be secured and utilized. With this object land-transfer districts of limited extent would have to be constituted throughout England. Assistant registrars, paid in the first instance by fees, but with a small minimum salary guaranteed, should be selected from solicitors well known in the district, and having the confidence of landowners. A fair scale of remuneration should be fixed for solicitors, and the conduct of dealings with land be intrusted to them as at present. Most important of all, a strong central board should be constituted, presided over by the Lord Chancellor, and largely composed of lawyers practically conversant with conveyancing, believing in the system which they were to administer, and likely to give confidence to landowners and the public. This board should be responsible for the rules and machinery, should be authorized to take steps to make the advantages of the system widely known, and should have the credit of success or responsibility for failure. With this view the names of the board should appear upon all official documents issued from the Land Registry. If after a sufficient trial the system were found generally convenient (and, if properly managed and well explained, I believe it might become so), it could then be made compulsory, so that only one mode of conveyancing should exist in the country. But, in my opinion, no compulsion would, in that event, be needed, since registration, if adapted to the requirements of the public, has so many advantages that it would certainly supersede any other system. This I may certainly say with confidence, that, if the Legislature decide that some system of registration will be for the public benefit, solicitors as a body will do their best to develop and perfect any measure which may be passed with that object. But, in the interests of those for whom they act, they earnestly deprecate the compulsory introduction of an untried system involving a complete revolution of all existing arrangements.

The Liability of Trustees Bill.

Notwithstanding the time and labour required in connection with the Land Transfer Bill, the council were able to promote in Parliament three Bills which will, if and when passed—as there is every reason to hope they will be—be of great practical importance. Scarcely any measure will be more welcome to the public, and especially to those who fill the thankless office of trustee, than the Liability of Trustees Bill, which has passed through the House of Lords, has been read a second time in the House of Commons, considered and amended by the Standing Committee on Law of that House, and will be further considered on the 6th of November. The Bill, if passed into law, will greatly facilitate the transaction of business, by permitting trustees to employ their solicitors to complete sales and similar

transactions on their behalf, and to receive purchase or other moneys; by authorising them to sell property and lend money upon the same terms as other persons of reasonable prudence; by relieving them from or giving them an indemnity against some of the consequences of breaches of trust not involving fraud; by extending to them the benefit of the Statute of Limitations, except in cases of fraud or retainer by the trustee of trust property; and by greatly enlarging their powers of investment. The Bill was introduced into the House of Lords and successfully passed through its various stages there, including a Select Committee, by Lord Herschell, to whom the society are under great obligation, not only for the readiness with which he undertook the charge of the measure, but for the consideration and courtesy with which he received, and the thoroughness with which he dealt with, suggestions for its amendment or completion. Mr. Cozens-Hardy has undertaken the management of the Bill in the House of Commons, and its success there will be largely due to the trouble and care which he has devoted to its conduct.

The Land Charges Registration and Searches Bill.

The Land Charges Registration and Searches Bill was also prepared under the instructions of the council. Lord Hobhouse was good enough to introduce it into the House of Lords, and, notwithstanding the technical and uninteresting nature of the subject, he successfully piloted it through all its stages, although at one time it seemed likely to share the fate of the Land Transfer Bill, to the Select Committee on which it was referred. The Bill, if it become an Act, will greatly add to the security both of incumbrancers and of purchasers—of incumbrancers, by providing a uniform and ready mode of registration; of purchasers, by providing that all writs and orders, receiving orders and deeds of arrangement affecting land, as well as all land charges, shall be duly registered in one office, and by thereby facilitating searches. The necessity for such a measure was brought forcibly before the profession by the decision of the Court of Appeal in the case of *Re Pope* (35 W. R. 654, 693, 17 Q. B. D. 743), in which it was held that a judgment creditor who had obtained a receivership order (which amounts in law to a delivery of the land in execution) could dispossess a purchaser for value, although the purchaser had no possible means of ascertaining that the order had been made, the previous registration of the judgment not being necessary, and the registration of the receivership order not being compulsory until a sale by the court under 27 & 28 Vict. c. 112 was desired. But the reform had been for many years recommended; and as long ago as 1863 Mr. Hawkins, then one of the chief clerks of the Master of the Rolls, and now one of the chief clerks of Mr. Justice Chitty, pointed out that there were at that time (and the number has since increased) no fewer than sixteen different charges by registration, made in seven different places, and kept in fifteen different books, and mentioned that in one case of a purchase under the direction of the court a purchaser's solicitor was ordered to search in sixteen registers against seventeen persons, involving 238 searches!

The Solicitors Bill.

The third of the measures which the council promoted—namely, the Solicitors Bill, 1888—more directly affects our own branch of the profession; and, as I hope that this meeting will express a definite and, I trust, favourable opinion upon the proposed enactment, I must deal with its provisions at rather greater length than I considered necessary in referring to the other two measures. For a long time the council have felt that there was room for much simplification and improvement in the manner in which complaints against solicitors were brought before the court. The summary jurisdiction of the court over solicitors is based upon their position as officers of the court—a position which solicitors may well be proud to hold, and which I should be most reluctant to weaken or abandon. As such officers, solicitors are entitled to the protection and commendation of the court so long as they honourably fulfil the duties intrusted to them; while on the other hand the public, by whom they are employed, have the safeguard afforded by the prompt censure or more severe punishment summarily inflicted on those who shew themselves unmindful of or unfit to be intrusted with the responsibilities and exclusive privileges granted to solicitors. I cannot, in speaking on this subject, refrain from expressing the very strong opinion which I entertain that the corrective functions exercised by the court might with advantage be sometimes balanced by a corresponding exercise of the right of commendation which the court also possesses, and that solicitors would be none the worse if the judges would occasionally recognize publicly those who honourably and zealously discharge the onerous duties intrusted to them. I firmly believe that in no equally numerous body of professional men—whether selected from the bar, the army, medical men, or even the clergy—will there be found a keener sense of professional honour, a more earnest desire to perform honestly and faithfully the duties intrusted to them, or a more complete identification of their own interests with those which they are bound to protect, than are to be found among solicitors as a body. There are, of course, exceptions, and as no other professional body has any similar system of strict discipline, these exceptions come more to the front than in other professions. But with very great respect, I venture to think that the somewhat indiscriminating blame which on the appearance of one of these exceptions is sometimes expressed from the Bench, is not only a grievance to the large body of upright and honourable solicitors, but has a tendency to increase the evil at which it is aimed, by leading some who are struggling with the severe temptations incident to a solicitor's work, to doubt the necessity for keeping up the struggle, or for aiming at a standard which a solicitor seems hardly deemed capable of attaining. Since the year 1874 the society, as the registrar of solicitors, has secured a recognized position on all applications against solicitors. No such application can be made by any aggrieved person without notice to the society, and the proceedings cannot be delayed or withdrawn without the concurrence of the society. These proceedings have almost put an end to a practice, which was at one time not uncommon, of commencing proceedings against a solicitor merely to enforce terms of settlement, or of compromising proceedings which, in the interests of the profession and the public, ought to have been carried on to the end. Most applications are now brought before the court by the the society. Every day complaints of one kind or another reach the society's office, all of which are carefully inquired into by a standing committee of discipline, which meets weekly and reports to the council. Very many complaints do not disclose even a *primâ facie* case; others, while shewing an apparent ground for complaint, are cleared up on explanations being asked for from the solicitor complained of; in many the cause of complaint is removed or made good, though this does not necessarily purge the offence or obviate further steps; and a residuum remains which can only be dealt with by application to the court. For this purpose the necessary evidence is collected and embodied in affidavits; notice of motion is served, and counter affidavits adduced; and where the facts are in dispute the case is usually referred to one of the masters, before whom the whole of the evidence has to be given over again *viva voce*. The application then comes before the court on the master's report, and is again gone into. All this involves not only great cost to the society and the incriminated solicitor, but, what is in some respects more serious, a great expenditure of time, during which a possibly innocent man is exposed to the anxiety and discredit incident to a charge of professional misconduct. The evils of the existing system were brought before the society in a paper read by Sir Henry Parker at the special general meeting held in June, 1887, and in the following autumn a committee of the council was appointed to consider the subject. The death, in February last, of Mr. Archibald Murray, the Clerk of the Petty Bag, rendered necessary immediate legislation, in order to provide for the custody of the roll of solicitors, and the council at once communicated with the Master of the Rolls. His lordship agreed generally with the views expressed by the council, and devoted a great deal of time and consideration to the draft of a Bill, which, after consultation with the Lord Chancellor and other judges, he introduced into the House of Lords as the Solicitors Bill, 1888. Copies of the Bill were sent to every provincial law society, with a circular explaining its object and effect. Not only was no objection made to its provisions, but many of the societies (including that of Newcastle-on-Tyne) expressed their desire to petition in favour of the measure, and the subject was brought before the whole society in the report of the council, which was adopted with unanimity. The measure appears to have the almost universal support of our branch of the profession. One object of the Bill is to transfer the custody of the roll of solicitors to the society, and to vest in the society all the powers and duties of the Clerk of the Petty Bag in relation to that roll or to solicitors. The effect of this will be to materially simplify the practice with regard to the registration of articles and admission of solicitors and to get rid of a great deal of useless form. But the part of the Bill which chiefly concerns solicitors is the alteration which it introduces in the mode of enforcing discipline. If the Bill passes into law, every application to strike the name of a solicitor off the roll of solicitors (whether at his own instance or otherwise), or to require a solicitor to answer allegations contained in an affidavit, will have to be made to and be heard by a committee of the council, who will report to the court upon the case. If, in the opinion of the committee, there is no *primâ facie* case, the society need not take any further proceedings. In any other event, the report will be brought before the court and be treated as if it were a report of one of the masters; and such order will be made as the court think fit. The result will be that much of the delay and expense of the preliminary investigation will be saved; that the means of inquiring into alleged misconduct, and obtaining evidence on which to punish such misconduct, if shown to exist, will be very greatly strengthened; while any accused solicitor will, in the first instance, come before a tribunal composed of members of his own profession, to whom, if at all, he should be able to justify himself. Even, however, if the committee should be satisfied that there is no *primâ facie* case, and should so report, the aggrieved person, if he think their view unfounded, may at his own risk apply to the court for redress; and the inherent jurisdiction of the judges over solicitors is expressly reserved. The provisions of the Bill, if it become an Act, will not make unnecessary the work of the present discipline committee of the council. It will still be desirable, in the interests of the profession and the public, that complaints, even if often groundless or misconceived, should be inquired into, and, as far as possible, remedied, while the residuum will be brought before the tribunal appointed by the Act. Few outside the council are aware how very heavy is the work thrown upon the discipline committee. I have analyzed the work of the past year from November 7, 1887, to August 7, 1888, and find that, disregarding a few cases of advice to members and 27 applications for total or partial exemption from the preliminary examination, there were 428 cases taken into consideration, many involving the perusal of voluminous papers and correspondence. Of these 328 were against solicitors, of which 132 disclosed, in the opinion of the committee, no *primâ facie* case, 47 were explained to the satisfaction of the committee, and 61 were disposed of to the satisfaction of the complainant; leaving a residuum of 86 cases, 12 of which were dealt with by censure from the council, 24 were brought before the court and orders made, and 50 are still under investigation. The following table contains a summary of the cases dealt with, exclusive of those in which advice was sought by and given to members of the society, and of applications for entire or partial exemption from the preliminary examination:—

	Total.	No case.	Explanation satisfactory.	Settled to complainant's satisfaction.	Censured by Council.	Proceedings taken and orders made.	Still pending.
Complaints against unqualified persons	102	57	4	—	—	28	13
Complaints against solicitors for non-payment of counsel's fees	26	11	—	13	—	—	2
Complaints against solicitors for malpractice or professional misconduct	170	87	31	7	12	11	22
Complaints against solicitors for improper retention or misappropriation of money ...	130	34	16	41	—	13	26
Totals...	428	189	51	61	12	52	63

In 14 out of the 24 cases brought before the court orders of suspension or removal from the roll were made. In the others the court thought the cases deserving of inquiry, and approved the action of the society, but considered it sufficient to censure the solicitor complained of, and, in some cases, to make him pay all the costs of the inquiry, in itself a serious fine. The complaints come from all quarters. Of the 428 cases dealt with, 213 were from country districts and 215 from London; and it may be as well to mention that the total number of practising solicitors in England is now 14,800, of whom 5,800 practise in London and 9,000 in the country. The efforts of the council to maintain a high standard of duty amongst solicitors, in whom such great trust is necessarily reposed by the public, will be very greatly aided by the provisions of the measure now under consideration. The Bill has passed through the House of Lords, and has been read a second time in the House of Commons, in which place it has, upon the request of the Master of the Rolls, and with the sanction of the Lord Chancellor, been taken charge of by the Attorney-General, whose hands will be materially strengthened if this meeting, after discussion, see fit to pass a resolution approving of the proposed change. In that resolution should assuredly be embodied a cordial acknowledgment of the time and labour which the Master of the Rolls, amid his other important work, has devoted to this Bill; and of his ready accessibility at all times, not only in connection with this measure, but with all other matters affecting our branch of the profession.

The Incorporated Law Society.

The greater authority which the Solicitors Bill, 1888, if passed into law, will give to the Incorporated Law Society will make it more important even than at present that the society should embrace all or the very large majority of solicitors. This subject has been more than once brought before the provincial meetings in recent years —once by Mr. Marshall in 1885, and again by Sir Henry Parker in 1887, and was referred to by the late president, Mr. Markby, in his address last year. Whether this desirable result can be best brought about by a closer affiliation of the provincial law societies with the central society in London, as, for instance, by allowing all members of provincial law societies to become members of the central society at a reduced subscription, or by requiring all solicitors to be also members of the Law Society, is a matter which is receiving, and will continue to receive, the earnest consideration of the council. Whatever is done, the separate existence and independent action of the provincial law societies must be carefully preserved, for by no other means can the opinion of solicitors practising in the country be so readily ascertained and brought to bear. The council and the profession owe a great deal to the ready aid and cordial co-operation which are so freely given by the provincial law societies, and in no year has this been more conspicuous than in the present. The information afforded through their instrumentality, as to the time, cost, and general procedure of the smaller class of conveyancing, as to the working of existing land and other registries, and as to the numerous other questions which arose in connection with the Land Transfer Bill, were of very great assistance, and contributed not a little to demonstrate the unworkable character of the proposed scheme. Apart from the *esprit de corps* which must be called forth by membership of a powerful society, and the importance to our branch of the legal profession, and, therefore, to every member of it, of united action, the benefits which membership confers are very great. It will be sufficient here to refer to the convenience of the hall and other buildings for business and other purposes; the advantages of access in the library to the latest reports and text-books, and in the hall to the current periodicals and newspapers, as well as to the cause lists and papers affecting legal business or interesting to solicitors; the certainty of receiving all new rules and orders of court, as well as early information upon decisions affecting the profession, and measures introduced into Parliament; the assistance readily obtained on points of professional usage or personal conduct arising in daily practice; the right to use the registers of sales, mortgage, and moneys for investment; and the facilities of friendly intercourse afforded by the club, which, since the foundation of the society, has formed an essential part of its constitution, and to which members of the society are, as such, eligible without any other formality than payment of a very moderate entrance fee and subscription. Nor should it be forgotten that in scarcely any similar body is the executive so thoroughly representative as is that of the Incorporated Law Society. Of the fifty members who constitute the council, twenty members (ten by charter, and ten by custom) are selected from solicitors who practise in the country, and the remainder from those practising in London; one-fourth of the ordinary members of council annually retire, and, if desirous to remain in office, can only do so on re-election by the society; while by means of the fixed general meetings, the acts of the executive, if not in substantial accordance with the general wish of the members, can be readily and effectively challenged. The advantages of membership are year by year becoming better appreciated, as will be evident by examination of the numbers in each year of this decade. In 1880 the number of members was 3,235; in 1881, 3,560; in 1882, 3,890; in 1883, 4,081; in 1884, 4,220; in 1885, 4,320; in 1886, 4,675; in 1887, 4,957; and in 1888, 5,120. But in order that the profession to which we belong should be properly and efficiently represented, and be able to exercise the full weight to which it is fairly entitled, it is essential that all, or the very large majority of, solicitors should be members of the central or of one of the provincial societies, and that members of the provincial societies should be, as such, members of the central society, and entitled to take part in all its proceedings, and in the election of its executive. If this object be attained, the standard of professional discipline can be better maintained; the *status* of solicitors, already greatly raised during the last half century, be still further improved; unworthy members be with greater promptness and certainty excluded and punished; the encroachments of unqualified persons, with the consequent danger to the public, be better restrained; and by means of the union of all solicitors, working in different places and under different circumstances, but banded together in one common bond of professional brotherhood, the honour and dignity of our noble profession—to which so much is intrusted, of which so much is expected, and upon which so much of the happiness, prosperity, and good name of families depends—be more worthily upheld. For, whatever the future of the legal profession may be—even if by some system of fusion the present separation of the practical lawyer and the advocate be abolished—the character of its members is in their own hands; and although men may by unworthy means make money, and even attain to much outward position, the true honour of a solicitor, without which he may be a very pest and enemy to society, can only be found in the upright, conscientious, and often self-denying discharge of his duty to his client—not regardless, indeed, of what is due to himself and his skill and labour, but not allowing his own interests to overmaster the paramount interests of those who repose confidence in him, and whose future and character not improbably depend upon his integrity and ability.

Resolutions.

The President, at this stage, reminded the meeting that any resolutions come to would be looked upon as recommendations to the council, and not as resolutions of the society.

Mode of Conducting Business.

Several gentlemen asked that copies of the papers should be distributed in the room prior to their being read, and

Mr. Youll (Newcastle) moved that in future, in order to facilitate discussion on the various papers read at the annual meetings of this society, the council be respectfully desired to arrange that copies of all papers to be read at each meeting be distributed at the meeting immediately after the president's opening address.

After discussion Mr. Youll withdrew the motion, on the understanding that the matter would be considered by the council.

Mr. Clayton moved a vote of thanks to the president for his very able address, which was carried with acclamation.

The Solicitors Bill.

Mr. Ellett (Cirencester), referring to the Solicitors Bill now before Parliament, moved a resolution: "That this meeting cordially approves of the Solicitors Bill, 1888, now before Parliament, and requests the council to use their utmost endeavours to get it passed into law. That this meeting desires to offer through the council their sincere thanks to the Right Hon. the Master of the Rolls not only for the time and attention which he has devoted to the Bill of this session, but for his courtesy and ready accessibility in connection with matters affecting solicitors at all times." He cordially approved of the transfer of the office of the Petty Bag to the society. With reference to that part of the Bill affecting applications of a disciplinary nature, he ventured to think the Bill proceeded on the very best lines of legislation, because it did not propose to introduce for the first time any new-fangled scheme, but to give legislative facilities for carrying out a practice which had already arisen and in the course of which the society had been able to do so much for the profession. It was very singular to note the history of the society in regard to this question. The society was founded as a purely voluntary association, and it was not for some years that any authority was given to it. But from 1834 the society did interest itself in matters of this kind, but their action was purely voluntary. In 1877, however, the society were made necessary parties to every application to the court, and the consequence had been that from that time the council had been under the necessity of carefully investigating every case that had arisen. It was very gratifying that, after an experience of eleven years of that practice, the Master of the Rolls came forward in his place in Parliament to propose that the society should be distinctly associated with the judges as part of the tribunal for considering cases of this character. The society wanted to purge the profession from those who would form an element of danger and disrepute. They wanted to see that adequate punishment was imposed where punishment was deserved. They wanted to secure that these

objects should be attained with the least possible delay and expense, and to be secure that the tribunal charged with the duties should be constituted in part of men to whom were known the difficulties, anxieties, and temptations of the solicitor's work. It appeared to him that these objects would be promoted by the passing of the Bill before Parliament. He would have liked the Bill to have gone further, and to have transferred to the society the entire jurisdiction, but he apprehended the times were not ripe for that.

Mr. MELVILL GREEN (Worthing) seconded the motion. He thought the society should have power to strike solicitors off the rolls, leaving them with an appeal to the judges, exactly as was the case with the bar. The public had an idea that the bar was a very honourable body because it had the power of purging itself, and he thought that if solicitors had the same power they would be looked upon in a similar light. The measure was very practical and a long step in the right direction, and the society ought very cordially to support it and to be thankful to the Master of the Rolls for having carried it through the House of Lords as he had done, especially as it had been opposed in a quarter which had somewhat surprised him—namely, by Lord Bramwell.

Mr. INDERMAUR (London) expressed his approval of the Bill. He was thankful that the resolution before the meeting did not go so far as to propose that the whole control of conducting cases against solicitors should go to the council. The time had not yet arrived for such a step. It should not be forgotten that the solicitors occupied a very distinct position from the bar. The bar had few opportunities of misconducting themselves, whilst solicitors had many, and he could not think it would be to the advantage of the body of solicitors to be judged simply by solicitors. He would have liked the Bill to have endeavoured to deal in some way with the subject of professional etiquette, and to have placed the power in the hands of the council. There were numerous cases in country places of solicitors attending sales by auction and touting for conveyancing business. The mode of admission as solicitors having been altered, he thought that something might have been done to reduce the admission fee. He urged the necessity of all solicitors becoming members of the society, and was sorry to see there was nothing in the measure to make this compulsory.

Mr. SMITH (Sheffield) having spoken,

The resolution was carried unanimously.

LAND TRANSFER.

Mr. J. HUNTER (London) thought the present system of conveyancing very far preferable to any which should introduce the official element. He would move that it would be desirable to have a Bill prepared simplifying dealings with land on the lines suggested by the president, as an alternative to the system of registration of title.

Mr. H. ROSCOE (London) seconded the motion, thinking these were the true lines on which solicitors should work. He did not wish to see officialism imported into conveyancing. He referred to the delays which seemed to be inseparably connected with officialism.

Mr. HOWLETT (Brighton) hoped the motion would not be carried. The society at their meetings had recorded by their votes again and again that no further change was necessary. He urged that they should give Lord Cairns' system a fair trial, and work until they saw the result. The president had specially said "*if* any future change were necessary," but it had not come to that, and when the Legislature determined that a change was necessary the cry for further change was rather a political than a social or necessary gain.

Mr. CLEAVER (Liverpool) said it had been stated that the Lord Chancellor had framed rules for facilitating operations under the Land Transfer Act, 1875, and he found that the council had had these rules under consideration and had made suggestions to the Lord Chancellor, so that it appeared that the Lord Chancellor did not intend to proceed with the Bill.

Mr. LEE (Birmingham) thought it was very desirable they should be careful what they did having regard to the recent Settled Land Act. If it was meant that they were to recommend certain legislation, that would amount to saying that they were dissatisfied with the present state of things, and might possibly be misunderstood by the public, to whom in the end they had to appeal.

Mr. R. PENNINGTON (London) had as great an objection to officialism as anyone in the room, and if they had it it would be a very great misfortune for the public. But he had also a very great objection to passing a resolution at a meeting of this kind until they had had an opportunity of very fully considering what the effect of such a resolution might be. Of course they knew all about the Land Transfer Bill and Solicitors Bill, and they were perfectly safe in passing a resolution upon anything to be found therein. But he objected to a resolution coming hastily like that of Mr. Hunter's, and thought it would be very undesirable and unwise to pass it, as it might be very much misunderstood. He would rather a resolution were brought forward at the next meeting, when they had had an opportunity of considering the matter.

Mr. HUNTER said his suggestion merely was that they should prepare a Bill simplifying the system of conveyancing and getting rid of the doctrine of trusts, and that it should be forwarded by the president as an alternative to the said scheme.

The motion was negatived by a large majority.

The PRESIDENT said, with regard to Mr. Cleaver's remarks, that the Lord Chancellor was proposing to issue new rules with reference to the Land Registry. They were in draft, but he did not feel at liberty to state to the meeting what those rules were, because on one or two points very strong objection was entertained to them by the council and by the provincial law societies with whom the council had communicated, and it might be that the Lord Chancellor might modify them. But they did not suggest any intention that the Lord Chancellor would not proceed with the Bill.

Mr. MCLELLAN (Rochester) moved that in the event of any Bill being brought in on the subject of land transfer, whether it be compulsory or not, the three points pressed for by the president, with regard to making it compulsory, publicity of dealings, and indefeasible title, be pressed for by the council.

The motion was not seconded.

PLACE OF MEETING FOR 1889.

The PRESIDENT invited suggestions as to the place of meeting next year, but, as none were forthcoming, said the matter would stand referred to the council, who would in due course communicate with the members.

THE PAPERS.

Mr. MUNTON (London) moved that, with a view of eliciting information on papers of a professional character or suggesting amendments in the law, the council be recommended to invite the authors of such papers to conclude with an affirmative resolution.

Mr. J. MILLER (Bristol) seconded.

Mr. C. T. SAUNDERS (Birmingham) objected to the motion on account of the way in which the meeting thinned off as it proceeded, and the resolutions might be passed by a very few members.

Mr. SMITH (Sheffield), Mr. MELVILL GREEN (Worthing), and Mr. ALLEN (Manchester) having spoken, the motion was negatived.

PROTECTION FOR BONA FIDE PURCHASERS OF GOODS.

Mr. J. COOPER (Manchester) read a paper on this subject.

The purpose of this paper was to submit and support the following propositions:—(1) That a purchaser of personal chattels is at present placed in an unfair position in regard to the title to the goods which he buys; (2) that the mere possession of movables should, as regards *bonâ fide* purchasers, be equivalent to title. The old rule of the common law that a purchaser of goods gets no better title to them than the seller had, has been from time to time modified. For example, by the protection given to a sale in "market overt." This was established in the times of our Saxon ancestors. The exception of current coin has an equally ancient origin. Negotiable instruments were legally exempted from the rule in the time of Lord Mansfield, in accordance with the custom of merchants. Next came the important departure from the old rule in the case of purchases from, or loans to, factors and agents intrusted with, and in possession of, goods or documents of title to goods. These are commonly known as the Factors Acts, commencing in 1823 with 4 Geo. 4, c. 83. The rule was further limited in its operation by the Mercantile Law Amendment Act of 1856 (19 & 20 Vict. c. 97), s. 1, which protected a person who acquired goods *bonâ fide* and for valuable consideration without notice of an execution in the hands of the sheriff. The rule was subjected to a further attack in 1877, when it was enacted (40 & 41 Vict. c. 39, s. 3) that a *bonâ fide* purchaser without notice should be protected against a previous purchaser who should have allowed the documents of title to remain in the hands of the vendor, and (section 4) against a prior vendor who should have permitted his purchaser to have possession of the documents of title to the goods. One may almost say that the fact of so many exceptions and modifications having been made from time to time is an argument against the propriety of the rule, or, in other words, that the history of the rule is its own condemnation. My present endeavour will be to shew that these modifications have not kept pace with the increase and complexity of commercial transactions. Most of us can probably recollect how in our earlier legal studies our natural feelings of justice and consistency were shocked when we were introduced to the paradoxes involved in the law of "market overt," when we were told, for example, that a purchaser of a chattel sold in a public market on market day in the country, or in a shop in the City of London, would acquire a title to it, but that if he purchased it in a warehouse or shop in Manchester or Newcastle, or even in a shop in Regent-street, in London, he might be deprived of it by some previous owner, or that even in the City of London while a shop is "market overt" a wharf is not. I need not say that these anomalies have not been removed by any modern legislation. The hardship on an innocent purchaser has, in fact, been aggravated by the perpetuation in the present reign (24 & 25 Vict. c. 96, s. 100) of an enactment originally passed in the reign of Henry VIII., and which provides that even a purchase in "market overt" does not protect the buyer if the goods have been stolen or fraudulently obtained, and if the original owner prosecutes the offender to conviction. The most recent case on this legislative provision for restitution is a good illustration of the risks incurred by *bonâ fide* purchasers. Parties, named Klein and Hodder, were ostensibly traders in London. They sold to Bentley & Co., in the ordinary way of business, a quantity of merino and cashmere goods, which were stored in a sales shop in the City, belonging to one Starbruck, which was admitted to be market overt. Bentley & Co. paid for the goods and obtained an order on Starbruck for their delivery. Shortly afterwards a firm at Amiens, who had sold these things to Klein and Hodder, prosecuted them for obtaining the goods by false pretences, and obtained a conviction. The foreign merchants then claimed restitution of the goods as against Bentley & Co., and it was reluctantly decided by the House of Lords that their title under the statute must prevail against the *bonâ fide* purchasers in market overt (*Bentley* v. *Vilmont*, 12 App. Cas. 471). Lord Watson, Lord Bramwell, and Lord Macnaghten, in giving judgment to that effect, all expressed their regret that they were compelled to do so. Lord Watson said: "I have great difficulty in supposing that the Legislature, as an incentive to the prosecution of crime, deliberately intended, in the case where the property has been passed by the act of the original owner, to deprive the honest purchaser both of his goods and of his money, but I have been unable to put a reasonable construction upon the language of section 100 which will avoid that inequitable result,"

Independently of the above-mentioned statute, and under the ancient rule of law, an honest purchaser purchasing and paying for goods in the ordinary way of business, or on occasions of ordinary occurrence, may be deprived of the property for which he has paid in the following among other cases:—(*a*) Where the vendor has acquired possession of the goods on hire, whether on the system recently adopted of a hiring which is to ripen into a purchase by the payment of specified instalments, or simply the hiring of furniture, or implements, or other chattels, as a tenant (*Cooper* v. *Willomat*, 1 C. B. 672; *Loeschman* v. *Machin*, 2 Stark, 311). (*b*) Where the vendor has obtained possession of the goods from a manufacturer by the use of a name resembling that of another well-known firm, whose place of business is in the same street (*Cundy* v. *Lindsay*, 3 App. Cas. 549). (*c*) Where the vendor, being a manufacturer, has been intrusted with the goods to be worked or made up in the way of his trade. (*d*) Where the vendor (not being a factor) has been intrusted with the goods for safe custody (*Cole* v. *North-Western Bank*, 10 C. P. 354). The above instances are illustrative only, and do not pretend to be an exhaustive list. Now all the reasons which originally operated to give protection to a purchaser in market overt are reasons why protection should be given to a *bonâ fide* purchaser in the ordinary course of business. I observe that it is proposed to codify the laws relating to sales. One may be permitted to hope that the law of "market overt" will not be introduced into the code without some attempt to adapt it to modern requirements. For that purpose it might be enacted as follows: A sale in the ordinary course of business of personal chattels by a person having the possession or control thereof to a *bonâ fide* purchaser who has no notice of any lack of title in the vendor confers an indefeasible title. The above enactment would effect the very modest operation of making a sale "in the ordinary course of business" equivalent to a sale "in market overt." But I would venture further to submit that the enactment might well be extended so as to cover some transactions perfectly innocent and honest so far as the purchaser is concerned, but which might not be considered to come within the words "in the ordinary course of business." For example, a purchase of effects in the possession of a hirer. Where one of two innocent persons is to suffer by the fraud of a third, it is fair to throw the loss on the person who, by placing goods in the possession of the fraudulent person, has enabled him to deceive the other. A *bonâ fide* purchaser of chattels real who has obtained the legal estate is protected against prior equities of which he has no notice. Why should not a similar protection be given to a *bonâ fide* purchaser of chattels personal who has obtained possession? The larger enactment to cover these cases would run something in this form:—A sale or pledge of personal chattels, or the documents of title thereto, by a person having the possession or control thereof, to a *bonâ fide* purchaser or lender, who has no notice of any lack of title in the vendor or pledger, effectually vests the property in the chattels. In order to meet the injustice inflicted on innocent purchasers by way of rewarding successful prosecutors in criminal cases, it would be necessary to amend the Larceny Act (24 & 25 Vict. c. 96), by adding to section 100 another proviso, such as the following:—Provided also that no person or body corporate who shall have *bonâ fide* acquired any such chattel, or any lien thereon, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had by any felony or misdemeanour been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, shall be liable to restore the same.

Mr. MUNTON observed, with reference to the suggestion that a *bonâ fide* lien on property should be protected, that if Mr. Cooper's suggestion were carried out literally it would be saying that a pawnbroker who lends money upon goods delivered to him by a person who had himself only got the goods on approbation should be protected by the law. It was strange that the question had never been decided, but it was about to be tested, and he would not like it to go forth that the society in any way approved of so wholesale an alteration of the law as giving any person who had a lien upon property a protection in such a case.

Mr. BRAMLEY (Sheffield) said that to give an unlimited right of sale of any article one had borrowed from a friend or had on hire in any other way would be detrimental in the long run.

Mr. GREEN and Mr. MCLELLAN having spoken,

Mr. PENNINGTON suggested that Mr. Cooper should frame a resolution, so that the case might be considered by the council.

Mr. COOPER moved that the subject of the paper be recommended to the council for their consideration.

Mr. PENNINGTON seconded the motion.

After an adjournment for lunch,

Mr. HEELIS (Manchester) spoke of the Factors Act, which afforded a protection to the principal who intrusted his friend's goods to a factor.

Mr. BRIGHT (Liverpool) referred to the difficulty of defining the term "market overt."

Mr. SMITH (Sheffield) having spoken,

Mr. COOPER replied, and the resolution was carried unanimously in the following terms:—"That the council be requested to consider the subject of protection for *bonâ fide* purchasers of goods."

GRAND JURIES.

Mr. E. E. MEEK (York) read a paper on this subject.

The object of the paper was to shew that the liberty of the subject is amply secured without the intervention of grand juries, and that they do not form such an integral part of our criminal procedure that their abolition would do any harm; and that therefore the injustice occasionally wrought by them, and the trouble and expense caused to prosecutors, prisoners, solicitors, witnesses, and the jurors themselves, ought no longer to continue. After referring to Mr. Justice Stephen's account of the origin of the grand jury in his "History of the Criminal Law of England," Mr. Meek continued:—It will be seen from this history that the original object of the grand jury is gone, the theory of its existence no longer remains. They were accusers to acquaint the court with the crimes of the district, and a kind of public prosecutor. They now no longer know of their own knowledge, but they acquire their information from the evidence for the prosecution on the first days of the assizes or sessions. The court can obtain this information for themselves equally well on the trial. It is somewhat absurd for the grand jury to present on their oaths to the court that a prisoner has committed a crime when they have no knowledge of their own, and have only just heard an *ex parte* statement, without any cross-examination, from witnesses they probably know nothing of. Again, the prosecutor now takes the place of the accuser. The grand jury do not take any part in getting up evidence or bringing offenders to justice. They only consider what is brought before them, and in no way act as public prosecutors. The abolition of the grand jury would not assist the compounding of offences, nor, on the other hand, would the prisoner be deprived of any real protection, having still the trials before the magistrates and the "petty" jury, and also, in proper cases, a remedy against the prosecutor by an action for malicious prosecution and wrongful arrest, which would be tried before a jury. Seeing, then, that the grand jury no longer occupies its original position, the next question is whether it serves any other useful purpose. After briefly sketching the modern criminal procedure, Mr. Meek said that, considering this procedure, surely it must be admitted that the liberty of the subject is amply secured by the preliminary trial before the magistrates, followed by the trial before the "petty" jury. At present there is (1) the hearing of both sides before the magistrates; (2) of one side before the grand jury; and (3) of both sides again before the "petty" jury. What useful purpose is served by (2)? Surely it might be abolished without any injury being done to our criminal procedure. It may be argued that the grand jury would be a safeguard for the subject in times of political or popular excitement, but it would be as likely to be influenced by the Crown, the people, or other causes, as the magistrates, the judge and the "petty" jury. No shame or imprisonment is saved to the accused person by the intervention of the grand jury. As they do not meet till the first day of the assizes or sessions, the prisoner has suffered all the shame or imprisonment consequent on his committal, and at the most can only be saved a few days' imprisonment till his turn for trial comes. If he be innocent, and the grand jury throw out the bill, it is not known how he got off, whether by sympathy or on some technical point, but if acquitted in open court he can leave without any stain remaining on his character. Again, it has been said that it affords the judge an opportunity to make a speech on the crime of the district and other general subjects, and that the county magistrates are enabled to see justice administered by the highest authority and to learn how it ought to be done. These are not weighty arguments, and it may be replied that if it is considered desirable for a judge to make such speeches, another opportunity could easily be found for him; and, as a matter of fact, the magistrates do not stay to learn, but go home as soon as they have disposed of the bills. But the system is not merely useless, it is unjust, and causes much trouble and expense. A bill may be brought by anyone direct to a grand jury without any preliminary inquiry before the magistrates, and an innocent person may be placed in the dock on his trial on *ex parte* statements without the opportunity of calling witnesses for the defence or cross-examining those for the prosecution. So far from being a safeguard, it is a danger to the liberty of the subject. To remedy this, the Criminal Code Commissioners recommended that the Vexatious Indictments Act should be extended to all offences, but this is piecemeal legislation. Again, though it is right that prisoners should be shewn the greatest fairness, the grand jury afford the guilty man a chance of escape he ought not to have. There must be a danger of arbitrary decisions when a tribunal acts in private, and is not subject to public opinion. The grand jury is apt also to think that it is not doing its work unless it throws out one or two bills. The number of its members, and the quantity and variety of the cases brought before it in the day, renders its work unreliable. But the trouble and expense caused by the system are easier proved than its unsatisfactory work. All the witnesses for the prosecution in all the cases have to be at the assizes or sessions on the first days to go before the grand jury, though the trial may not come on till long after. If there was no grand jury the pleas of the prisoners could be taken on the commission day at the assizes (just after the opening of the commission), and on the first day of sessions (when the county business as to roads, bridges, &c., is transacted), and in the cases where the prisoners pleaded guilty (as nearly half generally do) the witnesses need not come over to the assize or sessions town at all. At the last autumn sessions sixty witnesses in one set of cases had to attend at Wakefield. True bills were returned on the second day, and all the prisoners except one pleaded guilty. The majority of the witnesses were not required except for the grand jury. The expenses fell partly upon the county and partly on the prosecutor, as the taxed bill did not reimburse the prosecutor. The grand jurors are drawn from a class who already have many voluntary duties, and their services would be valuable elsewhere. It is a serious tax on their time and income, which is only borne ungrudgingly because it is believed to be necessary. Great discomfort is also caused to all concerned. Witnesses for the prosecution have to wait for their case, which may be called at any time, in the small room outside the grand jury room, amongst a crowd of other witnesses, male and female, of all sorts, including the very lowest and most unsavoury. Work that will occupy the judge perhaps three weeks is to be skimmed through by the grand jury in two days at most. The result is rush, crowd, confusion, and the friction that must result with even the best natured officials if overworked. If there was no grand jury a number of prisoners would plead guilty and the witnesses would not come at all, and of the remaining cases a few would be fixed for the first day, some for the second, and the rest not perhaps till the ensuing week. No

improvement would facilitate and cheapen the working of the detail assize business, and tend to the happiness of all engaged, so much as the abolition of the grand jury system. The summary of this paper is, that grand juries no longer perform their original part; that they do not serve any useful or necessary purpose in our criminal procedure, and that, as they work occasional injustice and cause considerable trouble and expense, they should no longer be required to attend at the assizes or sessions.

Mr. SMITH and Mr. Roscoe spoke of the bad effects of the grand jury system.

Mr. ELLETT thought they should hesitate before going the length of saying grand juries should be abolished.

DEVOLUTION OF TRUST AND MORTGAGE ESTATES IN COPYHOLD.

Mr. J. BOOTH (Durham) read a paper on this subject.

After citing section 4 of the Vendor and Purchaser Act, 1874, repealed by the Conveyancing Act, 1881, but only as to cases of death after the 31st of December, 1881, and citing section 30 of the Conveyancing Act, 1881, Mr. Booth continued: This left the devolution of freeholds and copyholds to follow the same rule as regards trust and mortgaged estates, and *in both cases* the estate devolved upon the personal representative. Section 45 of the Copyhold Act, 1887, enacts—"That the 30th section of the Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls of any manor upon any trust or by way of mortgage." Thus, then, for the first time in the practice of modern conveyancing, trust estates of freeholds and copyholds were to flow in separate channels. I am steward of several manors, and have frequently been asked if I could give any rational explanation how the 30th section of the Conveyancing and Law of Property Act, 1881, came to be repealed in its application to copyholds, but I have been unable to give a satisfactory answer. It has occurred to me that it may have been a clause slipped in, perhaps unobserved, and without discussion, at the instance of some lords of manors who objected to the provision that one of several joint personal representatives should be able to dispose of the customary estate, or that such personal representative or all the representatives might so surrender without taking admittance, which would deprive the lord of his fine or affect his right to heriots. Should there be any discussion on this paper, I trust some light will be thrown on the subject and some good reason given, if any exists, why advantage was taken of the passage through Parliament of the Copyhold Act, 1887, to repeal a clause which has been most beneficial in its operation and frequently saved the expenses of an application to the court for a vesting order. The necessity of an application for vesting orders where a customary or copyhold estate has become vested in an infant or incapacitated heir was not of frequent occurrence, in consequence of the universal practice of inserting in wills a devise of trust and mortgaged estates. But what has been the result of this (may I venture to call it) mischievous legislation. In consequence of the terms of section 30 that notwithstanding any testamentary disposition such estate shall vest in the personal representatives, it has been usual to omit in wills the devise of mortgage and trust estates since the Conveyancing and Law of Property Act became law as being inoperative as to both freeholds and copyholds. As to freeholds, such a devise is still inoperative; but as regards copyholds, now that section 30 is repealed, it is absolutely necessary where a mortgagee or trustee of copyholds has an infant heir or one incapacitated or unknown he should re-make his will with such a devise. The difficulties, however, caused by the ill-considered repeal of section 30 do not end here. If they could be obviated by a short codicil by those whose wills are made, or by a general resort to the former practice of inserting a devise of trust estates in future wills, the inconvenience of a descent to an infant or incapacitated heir would be avoided. But unfortunately many testators have died possessed of trust and mortgaged estates between 1881 and 1887, and what is their position or the position of their mortgagors when anxious to discharge the mortgage and take a reconveyance. The case of *Re Mills' Trusts* (36 W.R. 393) gives an answer to the question. Mr. Justice North held in that case that the effect of the 45th section of the Copyhold Act, 1887, was to repeal entirely section 30 of the Conveyancing Act, 1881, as regards copyholds, and that therefore where a sole trustee of copyholds had died between the commencement of the Conveyancing Act, 1881, and the passing of the Copyhold Act, 1887, the legal estate, which had devolved upon his personal representatives, was divested from them by the operation of the Copyhold Act, 1887, and vested in his customary heir. The learned judge appears to have been guided in his decision by the absence of the provision in the Copyhold Act, 1887, which is found in the Conveyancing Act, 1881, viz., that the section should only apply in cases of death after the commencement of the Act, and therefore come to the conclusion that on September 16, 1887, when the Copyhold Act passed, section 30 of the Conveyancing Act ceased to have any application to copyholds, and the petitioners in that case were prevented from tracing title from the executors to the estate *which had in* 1884 *vested in them* under section 30. With the utmost respect I think it is open to doubt whether it was necessary to give such an extensive operation to the repealing clause of the Copyhold Act, 1887, but as that decision is binding until reviewed we must accept it as a sound exposition of the law. In the north and south of England, and probably in many other parts of England, the copyholder has practically a customary freehold estate, subject to certain nominal fines and quit rents, and with no onerous incidents of tenure. Why the Legislature should have thought fit to have legislated in this confused way, and applied a different rule in the devolution of customary freeholds, or copyholds, and other freeholds, is difficult to answer. The following appears to be the result of the recent legislation on this subject, assuming *Re Mills' Trust* to be rightly decided. (*a*) If a mortgagee of copyholds died before December 31, 1881, the legal personal representatives may now, notwithstanding the Copyhold Act, 1885, surrender, as section 30 of the Conveyancing Act only repealed section 4 of the Vendors and Purchasers Act, 1874, in cases of death after December 31, 1881. (*b*) If a mortgagee or trustee died after December 31, 1881, and before September 16, 1887, the personal representatives were the proper parties to surrender their trust estate if so dealt with. (*c*) If a mortgagee or trustee dying after December 31, 1881, and before September 16, 1887, made no disposition of trust estates, the same would be divested by the operation of the clause in question from his personal representatives and vest in his heir. (*d*) What would become of a trust estate where the mortgagee or trustee made a disposition of trust estates and died between December 31, 1881, and September 16, 1887, is left uncertain. It vested, it seems, at first in his personal representatives till September 16, 1887. By the operation of the repealing section in the Copyhold Act, 1887, it divested from the personal representative (assuming he had not dealt with it), and must then either have vested in the devisee, in whom, at the time of his death, it could not have so vested, the devise being inoperative, or in the heir, notwithstanding and in opposition to the express devise of the testator. We have heard before of shifting uses, but never of shifting statutes! Could confusion be worse confounded? But, for this confusion the Legislature is entirely responsible. The expense, however, to be incurred in all cases where a vesting order is required from the absence, in compliance with the Act of 1881, of a devise of trust estates between 1881 and 1887 (and they cannot be infrequent) is the client's, but ours are the shoulders to bear the blame of heaping up heavy costs in conveyancing matters, and hence the cry to the Legislature to forge fresh devices to simplify conveyancing. The remedy in the present instance is the repeal of the 45th section of the Copyhold Act, 1887, from the date at which it came into operation, except as to anything duly done thereunder before the repeal. If the council of this society will use their influence to effect this, they will be conferring a boon upon the beneficiaries of copyhold estates vested in trustees or subject to mortgages. In making the same rule apply again to the devolution of copyhold and freehold estates, it will be the means of saving costs, and, in removing the pitfalls I have attempted to point out, simplify dealings with copyhold estates. We will also shew once more our profession is, in the interests of the public, never unwilling to use its endeavours to cure defects in the practice of the law for which, in this case, I repeat the Legislature is alone responsible.

Mr. HOWLETT (Brighton) having spoken,

Mr. HUNTER moved a resolution that the council take into consideration the subject of Mr. Booth's paper.

Mr. CLEAVER seconded the motion, which was agreed to.

THE FUTURE OF COUNTY COURTS.

Mr. INDERMAUR read a paper on this subject, written by Mr. W. SIMPSON, jun. (Leicester).

After some preliminary remarks Mr. Simpson said: Putting aside all matters of detail, let us consider the object of county courts. What do people really want for the recovery of debts and the settlement of disputes? The answer is simple. They want law administered (1) cheaply, (2) promptly, and (3) efficiently. (1) As regards cheapness. The first thing which strikes one in connection with the county court system is that the court fees are far too high. It costs more to enter a case for £20 in the county court than to issue a writ in the High Court for £20,000. The fee on entering a case up to £20 is more than 5 per cent. on the amount claimed, and the hearing fee is 10 per cent. in addition. A reduction of these fees to one-half at least is urgently demanded. With reference to the scale of charges for solicitor advocates, it certainly cannot be said that they are unreasonably high. Any further reduction would drive from county court practice the better class of practitioners. Our profession, indeed, has ground for grave complaint against the recent alteration in the scale of charges, obviously introduced for the benefit of barristers. In cases under £20, in the absence of special circumstances, defendants should not be saddled with two sets of lawyers' costs, solicitor's and counsel's. Here is a public scandal which drives people to the proposed remedy of fusion of the two branches of the profession. (2) Next we come to the subject of promptness. In High Court cases the public have groaned so long at the law's delay that it is refreshing to find justice in county court cases comparatively prompt. Still, there is often intolerable delay in getting summonses served by the bailiffs. According to instances recently cited in a leading weekly newspaper, in many districts the bailiffs are corrupt, and a wide-spread system of bribery prevails. This occurs chiefly in small cases where no solicitors are concerned; but the evil demands vigorous denunciation and public exposure by our profession. There is only one other point in connection with promptness in legal administration which I need refer to. With the fast increasing jurisdiction of county courts, there is a danger of small cases being crowded out by large ones. This is specially so in large towns. The practice as to the order of contested cases varies in different districts. Matters of detail such as this must be left to the discretion of judges; yet it would be useful to have a standing committee of judges to discuss and issue suggestions as to the various methods of arranging for trial of disputed cases, and generally as to points not determined by the rules. In few districts is the time of judges fully occupied. Special days should be granted for the trial of jury cases and all large cases. As the jurisdiction is extended (as it assuredly will be) to embrace larger and more important cases, these must be specially dealt with in such a way as not to interfere with the ordinary small cases, for which these courts are primarily intended. The small suitors can less afford to wait than the large ones. Promptness to the latter is a convenience, to the former a necessity; and promptness can be secured in county courts only by careful and methodical arrangement. (3) With reference to the efficient administration of justice in county courts, the capacity of the judges is so varied that it is difficult to speak of them as a class. Public opinion certainly favours an enlarged jurisdiction

beyond that granted by the recent act. The average cost of trying a disputed action, for say £200, in the High Court, is probably not much less than £50, which is an unreasonable proportion. County courts are admittedly cheaper and prompter than the High Court is. If plaintiffs are willing to trust their local judges to the extent of £200 or upwards, is it not unfair to prohibit their doing so? If the jurisdictions were concurrent in cases above £50, the public would derive a benefit without risk of harm arising. The matter would regulate itself. In districts where county court judges were found to be efficient, their decisions would be sought and gladly accepted. Where their reputation was not so high, plaintiffs would not avail themselves of the option to bring large cases before them. Defendants would be able, in all larger cases, to insist upon a High Court trial on giving security or shewing cause. This brings us back to the all-important question of county court judges. Many of them are learned and able men, thoroughly qualified for their work; but many are inefficient. What is most needed is greater care in the selection of judges. The office is too often regarded as a convenient berth for second-rate men, who have proved comparative failures at the bar. The appointment is a fixed post without chance of promotion. The judges of the future should be younger men, of ability, energy, and tact, come to serve an apprenticeship in the lower courts, and anxious to prove their capacity for a seat in the High Court. This is the natural, healthy system which prevents stagnation and promotes efficiency. The above remarks sufficiently indicate my ideas as to the main reforms needed in county courts. These courts will undoubtedly in the future form part of an entire judicial system—one court of judicature. They will be stepping-stones to higher courts, but incorporated therewith. County court registries and High Court registries will be combined. Simplicity of pleading, which has proved an immense advantage in county courts, will prevail in all courts and actions. A plaintiff will be able in the future to enter a case for any cause to any amount in a local county court, and to name the place he proposes for trial. If the parties are satisfied to leave the decision of the case to the local judge, he will decide it, subject to appeal in proper cases. If they prefer a High Court decision, the trial will take place in London, or at the assizes, if still in existence. Then will justice be brought to every man's door, as near as may be, and the costs of an action be reduced to something like a fair proportion to the amount in dispute.

Mr. Douglass (Newcastle) believed that the future of county courts was unlimited jurisdiction with proper powers of control. He traced the gradual rise of county courts, and the increase of their power. A judge who was competent to try a case of £100 was competent to decide a case of £1,000 or £10,000.

Mr. Woodhouse (Hull) referred to the working of the new Act with regard to the fees, which acted very injuriously to the solicitor. The council ought to have seen to this.

Mr. Munton said the council had appointed a special committee five years ago to consider the question. He moved that this meeting deprecates the continued extension of county court jurisdiction without adequate provision being made for disposing of sham defences to default summonses for over £10, and for trying compulsorily in some separate way cases under 40s. not involving some special point in law.

The President said that matters such as Mr. Woodhouse had referred to should be brought before the council by the country members. He (the president) had taken great interest in the county court committee, but did not remember any representation with regard to it being made to them.

The meeting then adjourned until the following morning.

The Banquet.

In the evening a dinner was given at Jesmond Dene, Mr. Clayton taking the chair. Among those present were the president of the Incorporated Law Society, Mr. Grinham Keen (vice-president), Lord Armstrong, Judge Holl, Sir G. Morrison, Dr. Bruce, Mr. Hill Motum (town clerk), the High Sheriff of Northumberland, the Under-Sheriff, Mr. Harper (Bury), Mr. Cleaver (Liverpool), Mr. Cooper (Manchester), Mr. Ellett (Cirencester), Mr. Green (Worthing), Mr. Howlett (Brighton), Mr. Hull (Liverpool), Mr. Hunter (London), Mr. Janson (London), Mr. Margetts (Huntingdon), Mr. Markby (London), Mr. Marshall (Leeds), Mr. Pennington (London), Mr. Munton (London), Mr. Roscoe (London), Mr. Woodhouse (Hull), Mr. Saunders (Birmingham), Mr. Williamson (secretary of the Incorporated Law Society), &c.

The Chairman, in proposing the health of the Incorporated Law Society of the United Kingdom, expressed his pleasure that the society had visited the town. He spoke highly of the services of the society, to whom the profession was much indebted for dealing with those proposals which tended to influence their common interests.

The President returned thanks. He said the duties of the Law Society were very onerous, the responsibilities were very great, and the honour which it desired to hold, as representing the solicitor branch of the profession, was very great indeed. It was now, from its official position, the sole guardian of the portal through which all who desired to belong to that branch must pass, and when they entered that portal it exercised a guardianship over the honour and character of those who became solicitors. It had very many duties to perform in the way of protecting the public and the profession from ill-advised and ill-considered schemes of legislation. He then gave the health of their hosts, the members of the Newcastle Law Society.

Mr. Dees (Newcastle-on-Tyne) returned thanks, and spoke of the great advantage of a local society being affiliated to the Incorporated Law Society.

Mr. E. Ridley gave the toast, "The Trade and Commerce of the Tyne."

Lord Armstrong, in responding, referred to the time when he was himself a solicitor and moved almost exclusively amongst solicitors and barristers, which he did not think was to his disadvantage, for he had learned the mode by which solicitors did their work, and he must say that that mode was the best calculated to lead to success in any other business.

Sir G. Morrison gave "The Bench and the Bar,"

His Honour Judge Holl and Mr. E. Ridley responding.

The final toast was "The Health of the Chairman," proposed by the President.

WEDNESDAY'S PROCEEDINGS.

The debate upon county courts was resumed.

Mr. Munton, at the outset, modified his motion as follows:—"That county courts should be made branches of the High Court, special salaries being offered to judges in large districts. That this meeting, while approving of the extension of jurisdiction, is of opinion that the operation of the Act of last session should be suspended until adequate provision is made for disposing of sham defences to default summonses over £10, and for trying compulsorily in some separate way ordinary cases under 40s."

Mr. Daglish asked if that meant jurisdiction limited to £100.

The President replied that it meant in accordance with the Act.

Mr. W. Lisle (Durham) said the county courts were only established for the recovery of small debts, but now they were in the main for the trial of cases of first instance. It seemed to him to require that the jurisdiction should be extended in this direction, that defended cases of small amount should be tried by the registrar, and that the judge should try all cases of a certain amount. He quite agreed with the proposition of Mr. Munton, but it did not seem to go far enough.

Mr. Daglish said he would prefer an amendment adopting the language of the resolution, but that there should be no limit to the jurisdiction of the county courts, that they should be to all intents and purposes courts of first instance, with all the powers of the High Court, subject to appeal.

Mr. Miller (Bristol) referred to what had been said as to the great inconvenience arising from the delay in hearing the important cases in the county courts, but he did not understand why the work of the county court should not be somewhat classified. In the town he himself came from certain days of the week were devoted exclusively to cases under 40s, other days to those in which larger amounts were concerned, and Friday was devoted exclusively to bankruptcy and equity. He did not see why the registrar, who must be a solicitor of five years' standing, was not as competent to decide the small cases as a Q.C. He quite agreed that the salaries of the county court judges were not sufficient, and that the time had come when they ought to have at least half that of the judges of the High Court.

Mr. Daglish suggested that the word "the" before the word "extension" should be excised from the motion.

Mr. Munton agreed, and the motion then stood in this form:—"That county courts should be made branches of the High Court, special salaries being offered to judges in large districts. That this meeting, while approving of extension of jurisdiction, is of opinion that the operation of the Act of last session should be suspended until adequate provision is made for disposing of sham defences for default summonses over £10, and for trying compulsorily in some separate way ordinary cases under 40s."

Mr. McLellan, jun. (Rochester) observed that the question of amount was not always an exact guide to the importance of the case.

Mr. Margetts (Huntingdon) could not agree with the resolution. He thought the county courts as originally established, for the recovery of small debts, were very beneficial to the country, and it was very much better they should be continued on these lines. He believed the meeting would make a mistake if they supported any scheme whereby the work would be taken from the High Court and transferred to the county courts. He trusted the meeting would vote against the resolution. When a defendant had given notice to defend, it should be open to the plaintiff to bring him before the registrar in order to ascertain whether he had a defence, and if not the registrar should be able to refuse leave to defend. The High Court should be kept distinct from the county courts.

Mr. Perry (Stourbridge) having spoken,

Mr. Melvill Green said there must be a system which ignorant people could understand. The principles of the High Court, where they must have solicitors, could not be adopted in the county courts without risk of misunderstanding. The first summons should be a default summons, which should say to the defendant, "If you do not attend on a certain day, judgment may be given against you." Cases should be sifted and small ones got out of the way to make room for the large ones. The registrars should be better remunerated, and they should give up private practice, for, in small courts, the plaintiffs were almost necessarily the clients of the registrar.

Mr. Andrews (Leominster) was opposed to Mr. Green's views.

Mr. Parkinson (Liverpool) thought judgment should be obtained in the county court precisely as in the High Court, on proof of the service of the summons.

Mr. McLellan's experience was that, where a judge knew a case was likely to take a long time, he would make special arrangements.

Mr. Bramley said it might be an advantage to know that with regard to building society cases solicitors were entitled to the higher scale.

Twenty-four votes were given for the motion, and twelve against. It was, therefore, carried.

The President observed that it would be as well to read the three next papers seriatim, and to take the discussion upon the whole together.

Mr. C. T. Saunders (Birmingham), in the absence of Mr. Follett (London), read a paper entitled

The Legal Profession—Fusion.

Mr. Follett said, in the year 1885 the Irish Law Society appointed an

influential committee of their body to consider the whole subject. That committee approached their labours with most exemplary zeal, and collected, with an industry we may well envy, a mass of opinion and information from twenty-four foreign and colonial states. The information thus laboriously obtained and collated showed the following:—That only one foreign state, and only three colonies (one doubtfully), had a separate system. That the costs of recovering £100 and upwards—put at not exceeding £30 in any state with a united system—rose to from £50 to £100 in the most marked separatist colony, while invariably the expenses of advocacy and judicial incomes rose with separation, and fell with union. That the correspondents who courteously replied to the inquiries of the Society expressed, with only one or two exceptions, to which I shall be led to refer presently, the unqualified satisfaction of the public with the amalgamated system, and the approval of the legal profession. Indeed, one correspondent says: "The idea of splitting up the professions has never seriously suggested itself to the people of this country. They would regard it much as you would regard the idea of returning to fines and recoveries for the alienation of land. The profession think as the people think." While a correspondent from our largest colony writes: "The Canadian system is much cheaper for clients; it obviates the large number of counsel you employ, and it gives fair play all round to young men entering the profession." I have not exaggerated these returns. I feel great gratitude to the Irish Society for having collected them, and for that Society I have the most profound respect; but I must confess that I cannot follow their logic. Having collected all this evidence, they reported, without a word of explanation or argument, against an approach to amalgamation, and the only dissentient voices were a gallant three who formally recorded their objection, "that the committee, having sought information from foreign countries, states, and colonies to aid them in coming to a decision, have framed a report in direct opposition to the overwhelming weight of evidence they so obtained." I need add nothing to that terse observation; nor is it for me to criticise Hibernian action. I will turn to the most important event which, on this subject, has happened in the profession. No less a person than the second member of the English Bar, the Solicitor-General, has taken marked occasion to advocate, in no half-hearted or doubtful tone, the change to an amalgamation of the two branches of the legal profession, on which he says he has had his mind made up for many years; and he advocates it on the bold grounds that it would be beneficial to the public, to the solicitor, and also to the bar. [After some remarks on the correspondence resulting from Sir E. Clarke's speech, Mr. Follett continued.] But I must now turn from past *facts* to such humble arguments as I propose myself to use in advocating the fusion of the profession. First, I wish to deal with the argument, and the basis of the argument which, before all others, comes first to the lips of those who advocate separation. The stock suggestion is that there must needs be a marked division of labour, a distinct line, because advocacy and practical work are distinct things. Well! suppose they are—what then? There are distinctions *and* distinctions; the *practical* work of an office—as it is called—preparing for trial, advising on discretionary action, on family settlements, on wills, on deeds, is all based on law—can be well done only with a sound knowledge of law—is legal work, and, I will add, work of the highest honour and the deepest trust. Suppose it *is* markedly distinct from advocacy, what then? To form an accurate diagnosis of a subtle malady is a markedly distinct thing from a skilful handling of the amputating instrument; but both belong to a profession between the branches of which there is perfectly free intercommunication, indeed, practically union. To skilfully lay a pontoon bridge for a marching army is a totally distinct thing from leading a dashing cavalry charge; yet both are duties of soldiers, and the officer directing each stands level in Her Majesty's service, with equal chances of honour and promotion. The fact is that the whole of this argument is based on the idea, possibly undefined and unrecognised, that the practical man, the *homme d'affaires*, is not, strictly speaking, a lawyer. There is no calling, except that of the law, where one branch is admitted within a sacred precinct of honour and glory, and another kept shivering outside; and there never *could* be *any* except on the assumption that, while one class are lawyers, the others are not. Many things prove the truth of this, but I will invoke witnesses. Mr. Gregory, in his letter to the *Times*, while admitting—I think a little grudgingly—that the varied duties of a solicitor require a competent knowledge of law, goes on to say that they call *rather* for knowledge of men, and the world, and common-sense, and the power of seeing when the advice of counsel is required—that is to say, the power not of giving legal advice, but of seeing when it is needed, and knowing where to get it. Whatever may be the practice in Lincoln's Inn Fields, or Gray's Inn, I venture to believe that that position would be repudiated by the bulk of the profession. But my other witness is more emphatic still. Among the few correspondents of the Irish Society advocating a separate system was a New York lawyer, who, while admitting that the general feeling in his state, both of the public and of the profession, was in favour of amalgamation, yet expressed his own view as follows: "No questions of law comm nly arise in the functions of solicitors and attorneys, who are mere business men, men of transactions, and, when questions of law do arise, it is easy to make a statement of them, and submit them to counsel, and obtain a lawyer's opinion." Such, in effect, are his words, and, if language is language, this is tantamount to saying that solicitors are not lawyers. Well! they either are lawyers or they are not! If they are not, then the separate position they hold is right and just; but a great deal of the legal education now conducted by the Society, with so much care and strictness, is an empty boast and a useless tax. If, on the other hand, they are lawyers (as I believe most will claim), then I contend that, in every single respect, in audience, and in appointments (even to the very highest of all), every door which the legal profession leads to should be opened to them, and every inequality of any kind or description removed. But, to turn for the moment again to the stock argument. *Is* there, after all, any real marked distinction between practical law and advocacy? or, at least, putting aside the condition of things in this country, *ought* there to be such? Can this Society possibly admit it who are contending for advocacy in various courts, and proving that the concessions obtained are well deserved? Can it, in the face of the overwhelming weight of evidence obtained by the Irish Law Society, be contended that to conduct a case to trial is anything more than a natural and legitimate sequence to superintending and personally directing it up to that period. "There is nothing," said one of our most eminent judges in well weighed words, "there is nothing between the duties of an advocate and an attorney to produce a sharp dividing line, the duties merge into one another." How can it be said that there is such a line in the face of the answers received by the Irish Law Society, which in at least eighteen instances state that one and the same man habitually follows both pursuits as a matter naturally involved in his business? And although in some states where there is an amalgamated calling advocacy may be specially practised by some specially gifted men, either for their own firms, or for others who hire them, there is, even there, no suggestion of different callings, or of one being severed from the other as superior or distinct. Apart, indeed, from the existence of a scientific Bar (as to the worth of which, in my humble opinion, I will speak presently), there is between practical law and the display of advocacy the difference only of greater *publicity*. The practical lawyer works in the recess of his room; the advocate addresses the public, and is *monstratus digito præterentium*; but, except for the mere display, the dignity of one is as great as that of the other—nay, in its trials, its modest labour, its harassing efforts, the unobtrusive work is, possibly, even the more dignified. The general of cavalry who, before the eyes of all Europe, leads his six hundred men down into the "valley of death," does a public and "magnificent" act, and justly has his reward; but the commander of the Engineers who slowly, patiently, and unobserved lays the sap and mine about the beleaguered city until it falls into the hands of those who are checking the advance of tyranny, performs an act equally noble, every whit as much that of a soldier, and in every respect as deserving of gratitude and honour from his country. So much for the general argument. I will now pass to the three points: the question as it affects the public; the question as it affects the Bar; the question as it affects the solicitor. First, and by far the most important—the public. It may be an open question whether or not it is, in itself, an advantage that the advocate should personally see the ultimate client. The Solicitor-General regards it as a disadvantage to the client that he should not be personally seen; while the New York lawyer, to whom I have before alluded, considers that the advocate is freer, and can bring to his work a more scientific discretion if he is not hampered by personal acquaintance with the being whose cause he is advocating. This, as I say, may be an open question; but there is one thing which is not an open question, because it is shown by indubitable statistics, it is attested by invariable facts, that the system of a scientific Bar, approachable only intermediately by a client, is a matter of great expense to him. No one who examines the question can possibly entertain a doubt that, whatever other abuses may exist, by far the greatest abuse in the expense of legal procedure is the inordinate payment now made to counsel—the inordinate payment for the services of those who come; and, what is worse, the vexatious necessity for the payment of several in order to secure one. "It is hard," says the Solicitor-General, "for a man to have to pay two men instead of one." In reality, a client is uncommonly fortunate if two men complete his limit, and if he has not to pay three or four, each at an increasing ratio the further they are personally removed from him. "We cannot understand," says the Canadian correspondent of the Irish Law Society, "why you have so many counsel in every case"; and the returns of that Society show that the average profits of our advocates are enormously beyond the average of any other country. Unless, therefore, justice fails in the many countries and colonies where amalgamation exists (and the returns showing entire popular satisfaction indicate *just the contrary*), it is certainly a matter for very serious consideration by the British litigant that his advocate should, as an average, require, or at least receive, such *enormous* and uncontrolled remuneration. Now, why does this abuse exist in this country? It is not only—at least in my opinion—it is not only because of that ludicrous fallacy, based on the very opposite to the fact, that the Bar are disposed, for the abstract love of justice and the good of mankind, to work for nothing. It is not simply *that*, nor the corollary which it leads to, that payments to the Bar are uncontrolled by the public laws, because there are countries where the rewards for advocacy are not controlled, and yet the expenses of litigation are still, in that respect, moderate. It is, rather, because of that which made eloquent the correspondents of the *Times*—namely, the glory of a scientific Bar. What then, after all, does a *scientific* Bar mean? Far be it from me to say that it does not desire and aim at justice; far be it from me to depreciate the splendid efforts made to secure acquittal where guilt seemed clear, or the resolute power which can lead a forlorn hope to victory. But while all this is allowed with unstinted admiration, we cannot shut our eyes to the fact that, over and above all this, a scientific Bar is, to a great extent, a gladiatorial display, a trial of public skill, an effort to insure triumph on the popular arena, a struggle to secure a verdict of popular applause—efforts and a struggle in which there is, beyond the needs of justice, a large waste of strength, a waste of power and talent, and a waste of public money, both in the payment of the gladiators themselves; and what is also serious, a waste in the necessity to pay, more highly than any other country, for the calm discriminating voice of the judges, whose duty it is to prevent the skilled antagonism from diverting the ends of justice. Justice, in the end and in the main, is done; but it is done after large and unnecessary expense, both in the combat, and in the judgment. The statistics of other countries all prove this; and, in fact, our friend "Temple," the enthusiastic contributor to the *Times*, bears to it most remarkable testimony. "The popular barrister," he says, "unfortunately gives rise to an outcry by insisting on taking exorbitant fees;" but the writer consoles himself, somewhat further on, by remarking; "How many people there have been of extreme views whose

advanced political feelings have induced them to act *contrary to law*"—mark the words "contrary to law"—and yet who have owed their lives and liberties, or their conviction for a slight instead of a heavy offence, to the eloquence, to the freedom, and to the independence of the Bar." These are the words of the chief defender of the great system. I can hardly conceive a heavier indictment. I should not have ventured to frame so heavy a one myself. High payments—*exorbitant* payments! (that is his own word) in order that—*what?*—not that innocence may be let free—it would not need all the eloquence, all the freedom, and all the bold independence for that natural task—but in order that plain common-sense may be silenced, and that by gladiatorial appeals *ad captandum* to a mystified people, the attainment of justice by simple means may be subordinated to artistic competition. The truth is, that by the system of a scientific Bar the litigants of the United Kingdom are taxed in order that a privileged monopoly may exhibit their skill. The chief combatants, the principal gladiators, are kept down to a small number. The advocacy of the country, instead of being spread over a large body of fairly accomplished men, is concentrated in a nucleus of a few men of excessive skill. The performers are few, and the fees for their performances can be demanded, consequently, without limit and under conditions one-sided and precarious. Success in litigation is brought to the question of who is the counsel employed. It is an unwholesome system. Justice is attained, not by it, but in spite of it. It taxes litigants to an extent appalling to think of; and, while it lasts, no legal reform whatever will materially reduce the costs. It is time for it to disappear before the common-sense of the day, and the good of the people. With regard to the effect of fusion on the Bar, I refrain, for obvious reasons, from any more than a passing remark; nor will I enter into the arguments of the Solicitor-General, as to the diffusion of business amongst the Junior Bar which the change would produce, more than to say that, apart from the new field of practical work which would be opened to them, I don't see how there could fail to be a great dissemination of the profits of advocacy; and, as speaking nationally, a distribution of wealth and profits is a main source of prosperity, so what is good, nationally, is good in individual professions. I would, however, confine myself to another point. Advocacy is a noble art, and it is one of such varied experience that it makes its followers charming companions, and agreeable friends. I always feel, therefore, that it is a thousand pities that the pleasantness should be marred, to a great extent, so far at least as the other branch are professionally concerned—aye, and even beyond that—by an idea of exclusive caste superiority, which is generally imbibed, and seldom, if ever, cast off. I do not attach much importance to the fact that the history of the barrister and of the solicitor, distinctly and undoubtedly, shows that the assumption of the sole right of advocacy by the former is an act of professional usurpation; because, there it *is*, and in this age we must take things as they are, and as their merits stand, without endeavouring to undermine them by antiquity; but this superior assumption is well known, and between two callings, whose duties should be reciprocally equal, it is detrimental to the characters and usuages of both. I now turn to my last point—the question as it affects the solicitor. For what the statement may be worth, we are assured by "Temple" that he is not "inferior"; and I have, myself, heard leaders of the Bar—especially at public banquets—give the same assurance, and urge that the whole profession should never lose sight of the *grand* distinction between bench, bar, and solicitor, on which our law is based, and within the grades of which all are brethren! I always listen to speeches like this with a smile, and remember the recent utterance of the great statesman "*beati possidentes!*" The fact is, that this admission of fraternity is merely convivial compliment: and while it may be listened to with momentary applause, it is well known that it is such. Shakespeare has said it, and it is as true now as it was in his day, and ever must be true, that, except side by side, two men cannot ride on the same horse unless one is behind, and has the back seat. A back seat is a back seat all the world over; and the man who sits in it, even on a noble animal, has all he can do to keep level with the holder of a front seat, even it may be on such an inferior animal as a donkey. There is no getting out of this, be it disguised as it may. Nothing but consciousness of this could lead the practical lawyer to put up with various acts within the legal profession which are called *étiquette*, but which, but for that name, would, between gentlemen, be marked insults. Nothing but a long-standing and habitual recognition of this position could lead the Council of this Society to submit patiently to the humiliation so often put upon it, when in its own council chamber, and in the seat of its own president, and, at times, to his displacement, in one of the most important committees, an official, almost always a member of the Bar, takes the chair, and conducts the deliberations. I will venture to say that such a thing does not happen in a single other calling in the country; but it is based on the absurd old dictum that, while the barrister is an "amicus curiæ," the solicitor is but an "officer" of the court. I remember that, some years ago, we ventured, upon invitation, to express our candid views, perhaps a little bluntly, but quite truthfully, on the question of counsels' fees. We intend it as a mere reference to a system, and with no aspersion on the honour of any single human being. Words can hardly describe the indignation with which this act of supposed rebellion was received. We scarcely, indeed we dare not, address our domestic servants in the terms in which the Society were, as a body, scolded and rated by bench and bar for this act of insubordination by those whom, after dinner, they call brethren; and we were dosed with homilies as to the integrity of the great scientific profession, who would be "wanting in all self-respect" if they listened to such suggestions—as if integrity were concentrated in that calling, and existed nowhere else! There is, in fact, no getting out of it. How *can* there be so long as, with a few exceptions to be counted on the fingers of one hand, practical lawyers are deemed unfitted to hold any post under the Crown beyond such as could be adequately filled by any one of their decent managing clerks? To say that practice in advocacy is necessary for judgeships, or should be necessary in a proper legal system, is moonshine. Judgeships are given to barristers, and they are by no means our worst judges, who have seen little of courts. I could name at our council table half-a-dozen men straight off who would at once be as good judges as any on the bench. "We have," says a Canadian correspondent of the Irish Law Society, "several excellent judges who were never eminent as advocates." The exclusion of the practical lawyer in our country from high judicial posts is an act of flagrant injustice to him, and of injury to the public. But, to the profession the injury goes far beyond the mere loss of post and emolument; and this, to my mind (so far as the profession is concerned), is the *greatest* point of *all*. Wealth is, no doubt, a great essential in these days; but, I always rejoice that, in our historic country, money is not the only honour. It must be good for a country that there should be something else to be striven for; and, while we may have no desire to destroy an old system of hereditary title, the chief value attaches to those which are personally earned. And it *is* an honour—it is an ennobling and elevating thing to be able to strive for a recognition—for it comes to that—from our Sovereign and our fellow-countrymen that we have not laboured in vain; and, that the mark of our not having done so is to be borne about our names, our persons, and our families. I say that this is an elevating and ennobling agent in man's work; and, if it is so, it is an unjust and injurious thing that it should be closed to any profession which can boast of work, of honour, and integrity. It is marked, *emphatically*, as an injustice when a calling closely cognate to it, and which claims it as a brother profession, sweeps up exclusively to itself some of the highest honours which the sovereign and the state have to confer. The evil which is done to the calling by this injustice is, in my opinion, incalculable. The repression it inflicts, the dead level tone which it imparts, is a slur and an injury against which it is utterly impossible for it to raise its head; and however great may be the power, and great no doubt it is, which the profession indirectly exercises both in private and public affairs, it can never get over the fact that it is absolutely unable to point to any distinctions in itself, and can only say to its votaries, "slave and make money." Such a calling must suffer both in tone and character, and it does. There is none other to which the injustice applies. Commercial success, banking success, brewing success—they are all rewarded by peerages. Medical success is rewarded by baronetcies. Literary and artistic success by peerages and decorations; and all these honours are well and deservedly earned, after their kind. The useful practical work of legal administration is alone left to obtain the honours of its country by such rare and fortunate accidents as those which the Solicitor-General alluded to in his speech, the reason being that as the Bar receives immense honours, and claims superiority, so it is thought that the inferior order has no right to them. Amidst the numerous arguments in favour of the change which I advocate, there is none, to my mind, so strong as this—namely, the flagrant injustice of confining legal distinctions and posts of legal honour and responsibility to one branch only of the legal profession; and, inasmuch as I am sure that that abuse can never be removed so long as there are two branches, one superior to the other—no! nor even if there were two equivalent branches with equal statutory advantages, since the tribe of briefless advocates would find ways and means to influence the patronage—I recommend the *complete* fusion of the profession.

Mr. Munton read a paper entitled

Amalgamation or Reciprocal Transfer.

After glancing at the history of the two branches of the legal profession, and the qualification required for solicitors, Mr. Munton said: Long after the institution of the preliminary, intermediate, and final examinations for solicitors, the bar were not called upon to pass any examination whatever, and it is not disputed that the test demanded during the last few years is of a much milder order than in our branch. A recent writer of a treatise on the subject (who himself passed the examinations for both branches) describes the bar tests as "very easy." The educational knowledge is limited to English and Roman history and schoolboy Latin, and the legal examination is mere child's play compared to ours; in short, there has ceased to be any comparison whatever between the old days of the barrister's then exalted position and the sixth-rate people assuming the office of "attornys," who were at one time actually described in the printed rules as "ministerial persons of an inferior nature!" I have taken the trouble to examine the current year's law list, and I find that there are nearly as many London solicitors as there are London practising barristers who have taken university or other academical degrees; but it is perhaps slaying the slain to attempt to demolish the remnant of talk sometimes indulged in by the shallow and thoughtless about superiority or inferiority in the two branches of the profession. Every man of the world knows, irrespective of the fact that many of the judges have close family ties with our branch, that in society the high-classed solicitor runs side by side with the high-classed barrister, and that there is really no more difference between them than between officers of relative rank in the army and navy. For some years prior to 1877, many of us with a taste for advocacy lamented the then existing regulations, under which a solicitor, however experienced, was compelled, if he desired to join the bar, to go through the identical three years' process laid down for the youngest aspirant for the barrister's position, and I and others more than once took part in publicly protesting against these prohibitive rules. But as the bar had then no privileges in coming over to us, except the shortening the service under articles from five years to three, we did not see how we could practically press our views, and the controversy was shelved. In 1877, however, the bar sought statutory powers of transferring themselves to the solicitor branch without articles or service, and we allowed a clause to pass unopposed enabling any barrister of five years' standing to procure himself to be disbarred, and on passing our final examination to be at once admitted to all the privileges of a solicitor. The propriety of raising organised opposition to this movement was discussed at one of our annual meetings, and a few active members, including myself, entered our objections to the proposal being acceded to unless made reciprocal; but the president of the day expressed his belief that if the movement were gracefully permitted

to pass the benchers would voluntarily accord us the same privileges, the peculiar constitution of the bar empowering them to do this without statutory authority. The bill became law, but the benchers, after having secured these privileges for their order, failed altogether to see that we were equally entitled. It is true that later on they reluctantly reduced the probation from three years to one, but even twelve months' enforced idleness to many of us is practically a prohibition. Let me just remark in passing that although the records of our society years ago show that I was personally desirous of going over to the bar, I am quite out of the reckoning now, for I have not only passed the meridian of life, but have other reasons for abandoning my early intentions. My present advocacy for reciprocal transfer rests, therefore, entirely on the principle of abstract justice. In August, 1887, a bill was introduced into the House of Commons containing the following clauses:—1. Every suitor who is entitled to appear and have audience in person before any tribunal in the United Kingdom shall be entitled to have audience there by counsel or solicitor without being bound to employ both. 2. Counsel shall, in addition to the rights and privileges at present exercised by them, be entitled to practise in all respects as solicitors, and solicitors shall, in addition to the rights and privileges at present exercised by them, be entitled to practise in all respects as counsel. It was also provided that in case of such amalgamation counsel and solicitor should alike be entitled to sue for their fees and be liable for neglect. The bill in question was backed by ten well-known M.P.'s, the first being a member of our society, and a personal friend of my own; but with whom I regret to differ. As a matter of fact, the bill was blocked, and for some reason or other, it was not heard of during the recent session. In the early part of the present year, 1888, the profession was suddenly roused by an admittedly premeditated speech of Sir Edward Clarke, the Solicitor-General, in which he avowed that during the greater part of his career he had been in favour of amalgamating the two branches, and that he had long waited for a fitting opportunity of publicly expressing his views, conceding, however, that fusion involved so many questions that it could not be effected by a simple Act of Parliament of two clauses. This movement on the part of Sir Edward Clarke was the more startling from the fact that the other law officer of the Crown, Sir Richard Webster, the present Attorney-General, had on more than one occasion gone out of his way, so to speak, to publicly express his dissent from the views of those who asked for fusion. At the largest meeting of the profession ever known, he said, "I hope none of us will be tempted to break that particular line of difference which now exists between solicitors and the bar. Let those at the bar who think they can work as solicitors, and let those solicitors who think they could get on at the bar, have every means of change afforded to them." At a special general meeting of our society, held in London in April, 1888, a motion was submitted, "That in the interests of the public the time had arrived when the proposal of fusion of the two branches of the law, as shadowed forth by the Solicitor-General in his recent speech at Birmingham, should be adopted." I had given notice to move the following counter-resolution, "That this meeting, while affirming the undesirability of fusion, is of opinion that the statutory privileges, enabling barristers to become solicitors, should be made reciprocal"; but it was pointed out to me by an eminent provincial member, a much respected ex-president of our society, that it would hardly be fair to attempt to take the opinion of the profession on so important a subject at a meeting confined practically to town members, and in deference to his suggestion, and to the arguments of other friends, I altered my motion so that it read thus, "That this meeting, without expressing any opinion as to the desirability of fusion, is of opinion that the statutory privileges, enabling barristers to become solicitors, should be made reciprocal"; and I incidentally stated that I would undertake to bring up the main point for debate to-day at Newcastle. My motion in its altered form was carried, and the council afterwards placed the resolution before the benchers, who took some time to consider, but ultimately it was officially announced that they declined to grant reciprocal privileges. It is an open secret that there was a serious difference of opinion among the benchers; but the fact remains, and we have to deal with it. But to return to the bar curriculum. Few of us have quite realised that under the existing one-sided legislation it is impossible for a young man to become a bar "student" for three years without premium to a master, to earn his livelihood meanwhile by any other occupation under the sun (not connected with a solicitor's office), and after being called to the bar still carry on any profitable business he pleases for another five years, and at the age of six-and-twenty he can quietly walk across to the solicitor branch of the profession on passing our final examination only, thus not only getting rid of the expense, but avoiding the strict conditions appertaining to service under our articles, which excludes all concurrent occupation whatever. I am not throwing stones at the bar, many of my best friends, besides family connections, being barristers; but what sort of reason exists for holding us at arm's length, after having opened our doors to the other side? I have heard it said that inasmuch as a few solicitors have obtained orders dispensing with the preliminary educational examination, the bar hesitates to admit these gentlemen into their ranks; but apart from the circumstances that the number must be fractional, it would be easy, if there be really anything in the point, to provide that as to any such "dispensed" candidates, the "Bar Preliminary," as well as the "Bar Final," should be passed, unless the benchers, under their powers which they occasionally exercise, see fit to dispense with the scholastic examination. As I share the common belief that the standard of excellence in any professional man is materially strengthened by the insistence of a sound educational knowledge, I should not think it altogether unreasonable that every solicitor going to the bar, whatever his age, should pass the "Bar Preliminary," the barrister coming to us being of course subject to a reciprocal rule. The real opposition of the majority to things being made easy for solicitors transferring themselves to the bar may not be far to seek, but it would not become the Incorporated Law Society, or a member standing upon a platform with any pretentions to speak for his fellows, to say a single word more than is necessary to bring home the justice of the case, and I pass on to consider in some detail Sir Edward Clarke's contention in favour of amalgamation. A deliberate speech from a Solicitor-General always commands attention, but nobody acquainted with Sir Edward Clarke personally can fail to be impressed with the sincerity of his arguments, and any criticism should be tempered with the greatest possible respect. In the first place he avers "that, whether we like it or not, a Parliament which addresses itself to social and industrial reform will make short work of professional rules or the privileges of private institutions after they are found to hinder the attainment of the improvement of a public object," the inference being that if the legal profession do not themselves amalgamate the legislature will perform the task for them. I venture to say that there are little or no signs of any such intention. It is doubtful whether the public take any appreciable interest in the question, and, even if they do, I submit that they will of necessity be guided to a large extent by the opinion expressed in the profession, where alone can be formed a sound idea of the practicability of so great a change. On the whole, I suggest that this contingency is one not calling for present serious thought. The next point urged by Sir Edward Clarke is that a solicitor pays a yearly duty, and is liable in damages for default, whereas counsel is not amenable to any process. This question would be entirely met by imposing an annual charge on counsel and making them responsible in respect of any services or duty voluntarily neglected. I say "voluntarily," because I believe that the instances of wilful neglect are extremely rare, the difficulty hitherto being largely attributable to what the Solicitor-General called "the strange uncertainty of the arrangement for the trial of causes"—an uncertainty, happily, in course of removal through the united recommendations of the Bar Committee and our society, between whom (as I happen to know from having had the pleasure recently of sitting upon the joint Bar and Solicitors' Committee *re* the Nisi Prius Regulations) there is perfect accord, and long may we thus usefully act in concert. I venture this remark, because I cannot help thinking that the interests of both branches of the profession long suffered in many ways from the singular absence of any cordial understanding in regard to matters common to each. Sir Edward Clarke says that solicitors are precluded from obtaining judicial offices open to the bar. I answer that reciprocal transfer would afford a practical remedy. The next point advanced is that county court legislation tends in the direction of enlarging the number of trials in that court where solicitors have audience, and that it would be unfair to the junior members of the bar to further encroach upon their province. I think that all extension of county court jurisdiction is calculated to augment the chances of the junior bar, it being practically impossible for a solicitor in good practice to give personal attention to county court trials, seeing that the courts are distributed over large districts, and the bulk of a solicitor's business compels him to remain in his office. And now we come to the Solicitor-General's main point—viz., that in many instances "two persons are employed to do the work of one." It is important to bear in mind a few salient facts. There are nearly 6,000 solicitors in London actually taking out practising certificates, but let us take a few hundreds off for those who pay the annual duty without any real intention of practising, leaving say 5,000 solicitors in the metropolis. Provincial solicitors number about 9,000, say a total of 14,000 English working solicitors. There are some 8,000 barristers altogether, but more than half of them joined the bar to secure dignity and not briefs. It will surprise many people to learn what a very small proportion of a solicitor's business has any relation to that part of the work which it is alleged is performed by two, and which could by any possibility be done by one. Statistics show that since the rigid rules stamping out sham defences, only some 4,000 actions are annually tried in all the divisions of the High Court (including the Assizes); and even adding liberally for causes in which briefs are delivered, but which are disposed of other than by trial, there is little more than one per annum for every practising barrister, and not half a one for each practising solicitor. But let us assume that the contested causes (where counsel alone have audience—open court and elsewhere) amount in the aggregate to double the number I have stated, even then we solicitors as a body have not one High Court trial apiece! As regards the public, therefore, the work which is in any way duplicated bears but an infinitesimal proportion to the entirety of the work entrusted to us, not necessarily on account of professional skill, but as men of the world, linked as we are to the client in many instances by the ties of friendship, for, as Sir James Hannen once well said, "an honourable solicitor is a family blessing." Is nineteen-twentieths of the business of a solicitor's office, involving constant presence there, to be upset on account of this very small proportion of advocacy at present so conveniently handed over to counsel? It has been said that there are great advantages in the client having personal interviews with the advocate, but it has not been pointed out what is to be done in provincial cases. If the whole courts of the country were divided into minute county courts, and every client could complete his business in the district in which he lives, and where his confidential and regular solicitor practises, there might be something in this point, but how is one to deal with the important causes tried hundreds of miles away (or many miles away even if we have local centres) from the regular residence of the solicitor and the client? Let us take, for example, a large firm of solicitors carrying on business at Birmingham, with many cases (or even one case), for Birmingham clients set down for trial in London. Under the present system, when the brief is delivered to counsel, it is the occupation of the latter to be in or about the courts, and constantly able to watch the progress of the lists, the litigant and the solicitor not being called upon to come up, or absent themselves from their ordinary business until the crucial moment arrives, a most advantageous arrangement to everybody. It seems to me that the theory of amalgamation assumes a non-existent state of things in other directions. In a country

divided into a number of states, with local courts and regulations affecting each state, or in a colony sparsely populated, where the real commercial business is entirely centred in one or two places, and all the litigants and the legal profession are in a small circle, there may be good reasons for no distinction being made between the solicitor and the advocate. To my mind, however, comparisons with England are utterly fallacious. We might as well be asked to follow Sweden, where solicitors and barristers are, I believe, unknown, and the litigant, if he cannot attend in person, is allowed to employ his tailor or his bootmaker to advocate his cause. One may just remark that even in New Zealand, which is so frequently quoted as an example for the mother country, and where the barrister and the solicitor form a united profession, it is no uncommon thing for one partner of the business to draw up and charge for a "brief" to enable the other partner to do the advocacy work, the cost of which brief is regularly allowed as against the other side on taxation, showing that when applied practically, and not merely theoretically, two persons are still required to bring a case actually into court except where the matter is comparatively small, and can be dealt with in a county court, a position already provided for in our own system. In the United States, too, "agents" are employed to beat up evidence and the like, and there are other indications of two persons being really wanted; indeed, a leading London Q.C. told me a few days ago that when across the Atlantic, in conversation with eminent counsel there, the latter said they were considering how to devise a scheme whereby they could in some way sever themselves from the solicitor's work after our English system! I am dealing with the matter purely from a practical point of view, and I hardly stop to discuss the serious injury which would be done by fusion to what may fairly be spoken of as a vested interest. Neither a barrister nor a solicitor, except in rare cases, enters the profession because he has any special qualification in the way of debating power, such power being developed by practice; and although it is well said by the Solicitor-General that the average solicitor is as capable as an average barrister, we can all see that after a man has devoted himself to that branch of the profession associated with advocacy, and to little else, he develops into a practised speaker; in fact, not one person in a thousand can become a good debater unless the circumstances of his position afford him the opportunity of actually studying the art. Sir Edward Clarke's compliments are very agreeable to read, but his observations affect a limited area. The bulk of the solicitors have never paid any attention whatever to advocacy, and in that respect a large part of our branch of the profession would be at a serious disadvantage. However, no change can be made without damage to somebody, and I should not on this ground alone object to fusion (indeed, as far as I am individually concerned, having given some attention to conducting bankruptcy and other causes in my own firm's office, I should be the last person to complain), but I contend that, in common justice to all, if we are to have absolute fusion, there should be an interval of at least ten years before such a system should come into operation. I have said that there are 14,000 or 15,000 English solicitors, and, looking to the statistics given, the following state of things would be brought about if every solicitor were supposed to act as his own barrister. It has been seen that on the average there is not a single trial apiece annually for all the solicitors who take out certificates. But let us first take the case of large firms having perhaps fifty trials a year. How is any one partner or even two partners, specially devoting themselves to the advocacy branch, to attend to fifty trials? Of course if he could have them fixed at his own convenience, say one every Monday morning, it would be easy enough, but even in the largest office there are periods when there is a lull of court litigation, and other times when there is great pressure only capable of being dealt with effectually by having an outside bar amongst whom the briefs can be distributed. But let us return to the case of the numerous solicitors in London and the country who have only one or two trials a year. Apart from local prejudices in appearing personally against certain people, how can the rural solicitor possibly get the necessary experience to conduct a case in court, or compete against a professed and brilliant advocate of some larger office, who does little else than make himself a skilled counsel? The advantage which every man enjoys under the present system is that he can employ his confidential solicitor for all legal work of every kind, well knowing that there is a bar from which he can pick for a particular service when, and only when, it becomes necessary. I may be answered by the statement that even under fusion the leaders of the court would remain Queen's Counsel as they are now, but there are numerous cases requiring skill attainable only by court practice, where the employing of Queen's Counsel at high fees would be out of the question. Sir Edward Clarke pleads for some of our work for the struggling young barristers. I reply, let them transfer themselves to our branch in the proper way. There are, however, plenty of struggling young solicitors who have suffered the outlay and served their time, and whose future is very unpromising, if we are brought face to face with some strange doctrines recently promulgated as to what counsel may already do in the solicitor line without having paid his footing—a question requiring serious attention, and demanding a paper to itself. It must be admitted that here and there our system is faulty, but the more one considers the controversy, the less reason does there seem to be for the cry for fusion, and, if I rightly understand the members of our own profession, if they could all be polled, the vote would be overwhelming against the change both in their own interests and in the interests of the public, especially if, as the Attorney-General says, solicitors "who think they can get on better at the bar have every means of changing afforded to them." The *onus probandi* lies with those who demand amalgamation, and, as I desire to reserve the right of reply, I conclude by submitting with great confidence the following motion:—"That this annual meeting of town and country solicitors is of opinion that there is no sufficient reason for seriously entertaining any scheme having for its object the amalgamation of the two branches of the legal profession but it recommends the council of the Incorporated Law Society to take into consideration the expediency of applying to Parliament that the facilities given by the 1877 Act to barristers of five years' standing for becoming solicitors should be made reciprocal, so as to enable solicitors of like standing to forthwith go over to the other branch on passing the bar final examination."

Mr. J. C. Parkinson (Liverpool) read a paper entitled

Unity of the Profession.

Mr. Parkinson said that, among the many questions interesting to the solicitors' branch of the legal profession there are, perhaps, none more important than that of unity, and it is always pleasant to find, in our frequent communications with each other, solicitors who are ever ready, in a courteous and united way, to facilitate professional business for the good of ourselves and clients. But it is very necessary that solicitors should consider themselves as members of a special society (so to speak) brotherhood, and be united against all vindictive personal attacks, such as have appeared in the newspapers on various occasions during the last few years. We all know that many cases have been properly brought before the courts, but there have been others that have not. It may be asked, how are we to be more protected and united? and perhaps the question is not easily answered, and a course pointed out satisfactory to all, for like most other good institutions it can only be fully developed from an idea or suggestion to start with. And with regard to protection, it may be suggested that a committee or council should be formed by the members of this society, to be called the Protection Council (no member of which should be a member of the ordinary committee of the society before which complaints against solicitors are laid), and such protection council should have the power to receive an explanation or statement of defence from any solicitor (being a member of this society) charged with malpractice, and after considering it to advise the solicitor what course they recommend him to adopt, and if to openly defend the charge, then that the society should pay one-half his costs; but if a compromise be recommended, and the solicitor attacked declines to act upon the council's advice, he shall pay all his own costs. An objection may, however, be raised to this suggestion, that the same society might be often in a position of attacking and defending, and that, of course, would appear so; but then the members of the society are many, and the protection council would be a distinct body. Or, on the other hand, a new society, distinct from this society, might be formed for the protection of solicitors; but in that case its members, or many of them, would probably belong to this society, so the principle would practically be similar, and a new society would not have the same influence as this one until it became fairly established. It would, of course, follow that if a new society were formed a subscription would be necessary; but if a protection council were formed of this society, possibly further subscription would not be required, but if so it need only be a small one. We have often seen, in fact too often, one solicitor using his talents and influence, both privately and professionally, to the prejudice and ruin of another, and there have been no means of preventing it, because there is no professional machinery whereby members of the profession can be compelled or influenced in cases where jealousy or spite, or desire for professional notoriety, or other selfish cause were the sole reason for such hateful behaviour. We find that many of the principal trades and minor professions have societies for their protection, and it seems quite reasonable that solicitors should have theirs, as no class of men are more liable to spiteful attacks than they. Then, as to being united, solicitors should not encourage at any time outside persons to lay informations before the society, or take any unpleasant action except in very clear cases of gross misconduct or fraud; and in reference to such informations generally, solicitors, as members of the same profession, ought to observe and carry out a feeling of unity or brotherhood, and so show unmistakably to the public a desire to protect each other against vindictive threats and attacks such as many of us may know have been made by assistance and information received from brother solicitors. Personally I have but little experience of such a case, but have known such to exist with others, and much spirit and zest shown by one solicitor in persecuting or assailing another for some petty personal gratification, and to even boast of their action in that respect with the view of extolling themselves, and I fear that such cases are too common, but under the protection or influence of this society, and unity amongst ourselves, we must hope for better things. It not unfrequently happens that solicitors complain of the want of courtesy and fair dealing with each other. Well, that, of course, is often a mere matter of opinion, and to be judged of according to circumstances, but there is no doubt that very often too much estrangement of manner, if it may be so expressed, is shown by one solicitor to another for no good cause but from a conceited or egotistical notion of superiority in some respect, when, in fact, a serious mistake may be made, and that I have seen in my own experience. But it is right to say that such improprieties are the exception and not the rule, and that there is perhaps very little cause of complaint against the senior members of the profession, who, from experience and practice, have long ago learned the weakness of vindictiveness and self-conceit, and are ready to extend a friendly hand to the younger as well as the less fortunate brethren who appear deserving of it; and between gentlemen so styled, at all events, by Act of Parliament or right of their profession, there ought to be a sort of legal freemasonry that until some good reason be known to the contrary they should always meet and separate as professional brothers, and show to the outside world that they are united, notwithstanding the many affairs which tend to vex and mar good feeling, and clients would, with ourselves, reap the benefit, and many a piece of discreditable litigation would be saved and friendship preserved where often otherwise enduring animosity arises. And as a means for bringing both London and provincial solicitors more into personal contact with each other, and so becoming better known, I would suggest that every solicitor on being admitted on the roll should of necessity become a member of this society, and that the society

should be, *de facto*, the Solicitors' Society, and that so long as a solicitor remains a member he shall be received and treated as a member of a common professional brotherhood. And if some new code or rule were instituted which would cause solicitors, annually at least, to meet each other socially, there would, even without any real compulsion, I believe, be a great addition of members to the society. There might be instituted and held annually in London, in addition to the meetings in the provinces, a social reception by the President and a *conversazione*, and such other attraction as might be favourable for the purpose of bringing both London and provincial solicitors into personal contact, and promoting pleasant and social introductions—it would lead to an improvement in social and professional intercourse with each other. And it might be well if every provincial law society could become a branch of this society and one subscription suffice, and all be governed as nearly as possible be the same laws, issued or approved by the United Kingdom Society in London. It has already, I think, been suggested by some solicitor at a previous meeting that complaints against solicitors should be dealt with by the society and not by the court. In that I entirely concur, for one especial reason, that it would prevent the frequent public reports of cases, to the prejudice of the profession. Our profession is called a very honourable one, and so it is, but the many *exposés* which have, over a course of years, appeared in the newspapers, have caused the public to look with a degree of scorn and doubt upon solicitors, and it is feared that, as the ranks of the profession enlarge, complaints will increase; and it cannot be said that it is only the common or doubtful practitioners who have brought the profession into disgrace, for that would not be correct, as there have been cases, and serious ones too, where the delinquents have been, up to the very hour of failure, classed among the best and most successful practitioners, and that is another reason why it seems very inconsistent for any solicitor (except in well-known cases) to assume any professional superiority towards any of his brethren. Much more of greater importance could be said in support of the argument for more protection and unity in our branch of the profession, an outline only of such matters being given as any solicitor with a few years professional experience may have noticed. We have heard much about the question of fusion of the two branches of the profession. Well, good arguments may be used for and against it, but at present the members of the barristers' branch seem to be much more social and united than the solicitors', and probably that is accounted for by their being oftener brought into closer contact with each other, whether at the Inns of Court or in daily practice, and from the good feeling which exists among them the clients frequently reap much benefit by the suppression of vindictive litigation and personal animosity. The question as to the establishment of a college of law was a few years ago discussed in legal circles, to which it would be compulsory for students of both branches to go for a term at least. Such an institution would of course bring future practitioners together, and create a bond of unity; but as that has not been established, it would be well if some arrangement or other institution were established for bringing all articled clerks together in London for a period during their clerkship. The medical profession has its Royal College of Surgeons and Physicians—why should lawyers not have a Royal College of Law? There cannot, I think, be any doubt that any arrangement which caused solicitors to be compelled to be members of this society, whether members of any provincial society or not, and some means adopted for an attractive annual meeting in London, would have a great tendency to raise the power of the society and increase the social and professional intercourse and unity between us as solicitors, much to our own protection, pleasure, and gain, and that of our clients generally.

Mr. Markby (London) said he regretted the tone of Mr. Follett's paper. He (Mr. Markby) had been in the profession many years, but had never been subjected, under the name of etiquette, to anything on the part of the bar which could be characterized as insult. As to another paragraph in the paper as to a member of the bar displacing the president, he supposed Mr. Follett was referring to the Examination Committee. That was a statutory committee, and the president and vice-president were not, as was the case with all the other committees, *ex-officio* members. The official referred to was one of the masters of the court, who, under the statute, represented the Court of Queen's Bench, and it was very proper that he should take the chair when he attended, but it was not correct to say he insisted on his right to do so. The Bar Committee had for the first time met with the committee of the council to discuss the present arrangements with regard to the sittings of the courts, and he hoped that it would be seen very shortly that great improvement had been effected. A letter to the judges had been signed, as no doubt the meeting would think it should be, by the chairman of the Bar Committee and by himself as the then president, he being also a member of the committee. A joint committee had, moreover, been held at the society's hall, and he, as president for the time being, had been asked to take, and had taken, the chair.

Mr. Munton moved the resolution at the end of his paper.

Mr. Grinham Keen seconded the resolution. For many years he had written and spoken against fusion on every possible occasion, and still thought that the two branches of barrister and solicitor should be kept apart. They required a different order of intellect. The solicitors had nothing to learn about conducting their own business from America or the colonies, and he thought the present arrangements were as good as could be. If the solicitors, when fusion had been effected, had one or two great cases at the courts, how could their clients get hold of them and receive the careful attention they had a right to acquire? The Attorney-General at the dinner last year at the Law Courts had said that the two callings were separate, but the solicitors were entitled to an immediate transfer, and that was the line he (Mr. Keen) took.

Mr. Stanton (Newcastle) asked what the clients had to say to it. He thought they were very much better served now than they would be if fusion were adopted. The solicitor went carefully through the case and presented the germ to the barrister, specially trained to deal with questions in that form and whose mind was not trammelled with the details through which the solicitor had waded. The question should be viewed from the clients' standpoint.

Mr. Smith thought the arguments in Mr. Follett's paper extremely weak.

Mr. Miller had not experienced the difficulty in point of etiquette referred to by Mr. Follett.

Mr. Bramley thought the clients would be the very first persons to complain, for even now in important cases they very often, against the advice of the solicitor, insisted upon retaining barristers of the highest standing.

Mr. Lee said the interests of the public were what they must really consider. The Associated Chambers of Commerce had recently met at Cardiff, and had passed a resolution in favour of permitting solicitors to conduct cases in court. Under the present system the expense of bringing to trial and the rest was so great that often the solicitor had to advise his client to submit to injustice rather than run that risk. There was no reason why a man should not be admitted on the roll of barristers as well as solicitors, and then he could work in both capacities or select either. He would move as an amendment that the preliminary part of the resolution, with regard to amalgamation, be omitted.

Mr. McLellan supported the amendment.

Mr. Pennington hoped the amendment would not be carried. It would be a great misfortune, having heard the views of the Solicitor-General and Attorney-General, and Mr. Follett's and Mr. Munton's papers, if they could not come to some conclusion upon the question of fusion. His own views were very distinct. He knew that fusion would inevitably lead to great confusion in his own office. It would be absolutely impossible that he should give attention to cases in the office and to attempt to advocate them in court. In America one partner fed the other, a proceeding which he looked upon as little better than a sham. If they were to have one gentleman acting as advocate and the other instructing him let them do it openly as solicitor and barrister. He fully indorsed Mr. Munton's paper.

Mr. Youll said it was absolutely impossible for a gentleman who had a general practice in his office to go into court or advocate the case with the same clearness and precision as a member of the bar could.

Mr. Saunders, in reply, said he did not go the whole length of Mr. Follett's paper. He would be governed by the Canadian system, where there were two roads, and it was a qualification by examination as to whether a man should be admitted to one or other or both branches. The benefit would be that the change would not come upon them all at once, but by degrees, and the present state of things would continue during the present generation. The whole Continent except France, the whole English speaking continent across the Atlantic, the whole of the colonies except one doubtful case, advocated the system. In time the question would assume such a form that the members of the bar would themselves call for amalgamation, for the solicitors would have the right of audience within a slight fraction.

Mr. Munton, in reply, said the arguments against the motion were very hollow. He objected to taking the opinion of the Associated Chambers of Commerce, as they were not a body competent to decide the matter. The time had come when their opinion must be expressed firmly, and they should let everybody know they thought it impracticable to have fusion, and that they must have justice done to them in the matter of transfer from one side to the other.

The amendment was negatived, twelve votes being given for and forty-six against.

On the suggestion of Mr. Lee the resolution was put in two parts—first: "That this annual meeting of town and country solicitors is of opinion that there is no sufficient reason for seriously entertaining any scheme having for its object the amalgamation of the two branches of the legal profession."

This was carried by fifty votes to eleven.

The second part was then put as follows:—"That this meeting recommends the Council of the Incorporated Law Society to take into consideration the expediency of applying to Parliament that the facilities given by the 1877 Act to barristers of five years' standing for becoming solicitors should be made reciprocal, so as to enable solicitors of like standing to forthwith go over to the other branch on passing the Bar Final Examination."

This was carried unanimously.

Mr. A. F. Purves (Edinburgh) read a paper entitled

On Arrestment to found Jurisdiction in Scotland, with special Reference to the Action "Parnell v. Walter, &c." ("The Times.")

Mr. Purves said, that arrestment to found jurisdiction in Scotland is an attachment on a mere statement by a party, whom I shall call A., made to the sheriff or the Supreme Court of Session that B., a foreigner, is indebted to him, and that B. has money or goods in Scotland, within the jurisdiction of its courts, in the hands or custody of a person or persons in Scotland, who need not be named. On this statement, which does not require to be made on oath, or to be supported by proof, the sheriff or court of session, as a matter of course, grants warrant to arrest the goods or money in the hands of the custodier or debtor for the purpose of founding jurisdiction. It is not necessary that either A. or B. should be a Scotchman, or subject to the jurisdiction of the Scotch courts, or even, perhaps, that the custodiers or debtors should be Scotchmen, if the goods or the money owing be subject to the Scotch jurisdiction. But it is necessary that the custodier of goods should not be a mere servant of B., holding goods for his master, as in that case arrestment is incompetent. The articles or debt to be arrested need not be of value. "Any property, however small in value" (says Mackay, our learned

sheriff of Fifeshire),* is sufficient, provided it is not elusory. What is elusory has not been determined; £1 8s. 6d. is not, but the subject arrested must have some mercantile value. Private papers or books will not suffice." In a leading case, to be afterwards noticed, it was argued that if an Englishman forgot his umbrella in Scotland, the arrestment of it was sufficient to found jurisdiction, but the Lord Chancellor (Cranworth) did not favour this exposition of the law. Having thus shortly stated what this proceeding is, and the position of matters which is necessary to its constitution, it may be convenient to the society that I should present to it the proceeding itself in actual operation, and that thereafter I should submit a few observations on the history and effect of this form of attachment and its results in convening foreigners to a Scotch court. I have been favoured with a view of the arrestments used in the cause of *Parnell* v. *Walter and Another* (*The Times*), and I now present the letters of arrestment to you, stripped as far as possible of that redundancy which is still too frequent in writs and deeds on the south side of the Tweed as well as on the north:—"Victoria, &c.: Whereas it is humbly shewn to us by our lovite" ("lovite" is legal Scotch for "beloved," and is applied by Her Majesty in such writs equally to the peasant and the "uncrowned king"), "Charles Stewart Parnell, &c., complainer, that John Walter and George Edward Wright, &c., are indebted to the complainer in the sum of £50,000 in name of damages: That the said John Walter and George Edward Wright are foreigners and do not reside in Scotland, but they have debts and effects belonging and addebted to them in the hands of several persons in this country, which they intend to uplift and withdraw therefrom to the prejudice of the complainer: Therefore it is necessary that the complainer have these our letters of arrestment *jurisdictionis fundandæ causâ*, in manner and to the effect underwritten, as is alleged: Our will is herefore, and we charge you that on sight hereof ye pass, and in our name and authority lawfully fence and arrest all and sundry goods and gear, debts and sums of money, and all other moveable effects pertaining or addebted to the said John Walter and George Edward Wright, wherever or in whose hands soever the same may be or can be found to remain, under sure fence and arrestment *jurisdictionis fundandæ causâ*: According to justice, &c. Given under our signet at Edinburgh the 11th day of August, in the fifty-first year of our reign, 1888. *Ex deliberatione Dominorum Concilii.*" These letters are presented to the sheriff clerk or bill chamber clerk, without affidavit or any voucher of debt, along with a "bill," as it is called, in the following terms:—"My Lords of Council and Session, unto your Lordships, humbly shews your servitor Charles Stewart Parnell, &c., complainer, that John Walter and George Edward Wright &c., are indebted to the complainer in the sum of £50,000 sterling in the name of damages: That the said John Walter and George Edward Wright are foreigners and do not reside in Scotland, but they have debts and effects belong to them in the hands of several persons in Scotland, which they intend to uplift and withdraw therefrom, to the prejudice of the complainer: Therefore it is necessary that the complainer have letters of arrestment *jurisdictionis fundandæ causâ*. Herefore the complainer beseeches your lordships for letters of arrestment at his instance in the premises in common form. According to justice, &c. J. C. Strethell Millen, W.S. Bill." The bill is passed at once without inquiry if it be in form, and the bill chamber clerk writes on it a deliverance in this form—"*Fiat ut petitur.*" The bill, with the deliverance upon it, is the warrant for the letters of arrestment being signeted, and is presented along with the letters at the signet office, where they are stamped with the signet. The letters are then in a position to be executed, and are issued to the solicitor applying, the bill being retained in the signet office. A messenger-at-arms or sheriff's officer is then instructed to arrest, in the hands of custodiers of goods or debtors of the defendant B., whatever goods they may have on B.'s behalf or whatever money they may owe to B. The schedule served is in the following terms:—"I, Robert Gardiner, messenger-at-arms, by virtue of letters of arrestment *ad fundandam jurisdictionem*, dated and signeted the 11th day of August, 1888 years, raised at the instance of Charles Stewart Parnell, complainer against John Walter and George Edward Wright, in Her Majesty's name and authority, lawfully fence and arrest in the hands of you, Keith & Company, advertising agents, 65A George Street, Edinburgh, the sum of £20 sterling, more or less, due and addebted by you to the said John Walter and George Edward Wright, or either of them, or to any other person or persons for their or either of their use and behoof by bond, bill, decreet, contract, agreement, or by any manner of way whatsoever; together also with all goods, gear, debts, sums of money, rents of lands and houses, and every other thing presently in your hands, custody, and keeping, pertaining and belonging to the said John Walter and George Edward Wright, or either of them, all to remain in your hands under sure fence and arrestment *jurisdictionis fundandæ causâ*, conforms to said letters in all points. This I do upon the 11th day of August, 1888 years, before and in presence of Archibald Turner, residenter in Edinburgh, witness to the premises. Ro. Gardiner." The arrestment for the purpose of founding jurisdiction (always assuming that the arrestee has goods or money belonging or owing to B. in his possession) is now complete, and A. is in a position to bring his action in the Scotch Supreme Court against B. Up to this point, it will be observed, no action or suit served on or intimated to B. has been brought, and unless the arrestee chooses to acquaint B. of the arrestment used in his hands, which he is under no legal obligation to do, B. may be entirely ignorant of the proceedings adopted by A. A.'s next step, as I have said, is to bring an action against B. to try the question in reference to which jurisdiction has been founded, and this action may conclude for any sum whatever, and is not restricted to the value attached by the arrestment. The effect of the arrestment is to fix and keep property of B. (the defendant) within the jurisdiction until the question between A. and B., to try which A. has founded the jurisdiction, is determined. If he thinks fit B. can, on finding caution or guarantee *judicio sisti*—that he will stand judgment—have the arrestment removed, and obtain possession of his goods or money; but his cautioner or guarantor in Scotland must fulfil whatever the Scotch Court orders in the case. If B. resides in England or Ireland, and his address is known, this action must be intimated to him by registered letter; but if he is not a British subject residing in either of these countries, no direct intimation is required, and he may remain ignorant of the whole proceedings which A. has taken. In this way, to put the matter in a few words, an Irishman may sue an Englishman in the courts of Scotland for an alleged slander spoken in Japan, even the echo of which has never reached Scotland; a Russian may sue a Russian in Scotland, under a contract made in Russia, and in Russian, and to be executed in St. Petersburg, although in all probability neither the Scotch judges nor the barristers nor the solicitors are able to decipher or interpret one word of the contract. [Mr. Purves then referred at some length to the historical aspect of the subject and continued.] It is somewhat curious to contrast with this marked assertion by the Scotch courts of the right of juriadiction over a foreigner's goods and debts, the manner in which the English and Scotch courts respectively assert their right to serve a defendant with a writ, and if found to try the question raised by the writ. In Scotland no foreigner (including in this Englishmen and Irishmen) can be served with a Scotch writ or summons, or is amenable to the jurisdiction of the Scotch courts, unless he has resided within that jurisdiction for forty days continuously before the date of service. In England, on the other hand, although I must speak with deference in such a presence, I believe that if a writ is served upon a foreigner within the realm of England such service is good service, and the case will be tried by the English courts. I am not sure whether it will be said, but I fear it may, that this grotesque distinction, under which attachment of *goods* or *money* can instantly form the foundation of an action in Scotland, while the service on the *person* requires forty days' residence for that purpose, arises from the great value reported to be placed by my countrymen on the former. In conclusion, I would venture with some diffidence—a diffidence more especially in regard to questions which may involve English as distinguished from Scottish legal principles—to point out what, as it appears to me, would be a more suitable state of the law in connection with such proceedings as those above referred to. The intimate connection between the various parts of the United Kingdom—a connection which I trust will in the future become closer and closer rather than looser and looser—the telegraph, the post office, and rapid travelling, render the old laws and practices founded on difficulties of time and distance somewhat obsolete now. I think it would conduce to the general benefit of the United Kingdom, and prevent the heartburnings which have undoubtedly been caused, if the following rules were adopted:—(First) that no service or citation of a British subject domiciled in the United Kingdom should be sustained, except service or citation in an action in a court of that part of the United Kingdom where the defendant is domiciled; (second) that it be competent to attach goods or money, whether belonging to British subjects or foreigners, in any part of the United Kingdom by a warrant issued by any court of the United Kingdom; and (third) in the case of foreigners or persons not resident in England or Ireland, all proceedings to found jurisdiction or attach their goods or money should be intimated to them (if their addresses are known), that they may, if so advised, show cause against the jurisdiction being upheld.

* "Mackay's Practice," i. 174.

Votes of Thanks.

Votes of thanks were passed as follows:—To the Newcastle Incorporated Law Society and their Reception Committee; to Mr. John Clayton for entertaining the visitors at Chesters; to the committee of the Union Club, the directors of the Elswick Coal Co., and of the Museum of Natural History; to Lord Armstrong for permitting the use of the Banquetting Hall, Jesmond Dene; to the Durham solicitors; to the readers of papers; and to the president.

On Wednesday evening Mr. N. G. Clayton received the members at a *conversazione* held at the Museum of the Natural History Society, when the museum was lighted by electricity. Thursday was devoted to excursions. A special train took the visitors to Bardon Mill, whence they drove to Housesteads to view the Roman Wall, Mr. J. Clayton, of the Chesters, subsequently entertaining them at luncheon. The Roman station of Cilurnium was also visited. There was also an excursion to Durham, and the solicitors of the county entertained the visitors at luncheon. Visits were paid to the cathedral, the castle, and other objects of interest in the city. The Elswick Coal Co. gave the members an opportunity of seeing their colliery, and the Union Club was placed at their disposal.

SOLICITORS' BENEVOLENT ASSOCIATION.

The half-yearly meeting of the association was held on Wednesday morning at the Assembly Rooms, Newcastle, under the presidency of Mr. H. Roscoe.

The Chairman, in moving the adoption of the half-yearly report, said it was fairly satisfactory. The greatest reason for congratulation was the really magnificent results of their last festival, which were almost entirely due to the efforts made by Mr. Lawrence, who was the chairman at the festival. As a result they had had a profit of £1,346 and 194 new members. The funds of the society went on satisfactorily, but the calls became very much greater every year. There were a greater number of grants to non-members, but they were each smaller in amount, and members were always considered first. They had now 3,198 members of the association. In 1871 they gave grants amounting to £862, while in 1888 they had given £3,704.

Mr. Guest (Manchester) seconded the motion, which was supported by

Mr. PENNINGTON (London), and agreed to.

On the motion of Mr. GRINHAM KEEN (London), seconded by Mr. HARPER (Bury), a pension of £52 per annum was voted to Mr. T. Eiffe, the late secretary of the association, during the pleasure of the board.

On the motion of Mr. TORR (London), seconded by Mr. GIBSON (Newcastle), a vote of thanks was passed to the directors, and they were re-elected.

Mr. BRAMWELL (Sheffield) moved, and Mr. YOULL (Newcastle) seconded, a vote of thanks to the auditors, which was agreed to, and they were re-elected.

A vote of thanks, on the motion of Mr. PENNINGTON (London), was passed to Mr. Lawrence for presiding at the festival and for his donation of £100.

A vote of thanks to the Incorporated Law Society and the Newcastle Law Society for the use of the Assembly Rooms was agreed to.

LAW STUDENTS' JOURNAL.

MICHAELMAS BAR EXAMINATIONS.

The Michaelmas Bar Examinations commenced this week. We append the paper set in Real and Personal Property, with references to the books where correct answers can be obtained. It will be noticed that the questions are of a vague nature, often involving general and sketchy answers, and in our opinion the paper is not well calculated to test whether or not the student has acquired any real knowledge of real and personal property, while practical conveyancing is almost ignored.

PASS.—REAL AND PERSONAL PROPERTY.

1. Distinguish easements from those rights which, though similar to them in other respects, are not annexed to the ownership of land (Goodeve's Real Property, 2nd ed., pp. 355, 363).

2. Describe the methods of creating legal and equitable mortgages of leaseholds and copyholds respectively (Edwards' Law of Property in Land, pp. 209, 210, 211).

3. What are the requisites of a valid local custom? (Broom, p. 13).

4. State the meaning of the following terms:—*Franchise* (Goodeve's Real Property, p. 356); *Garnishee* (Goodeve's Personal Property, p. 227); *Lay-impropriator* (Edwards, p. 258); *Trade-mark* (Goodeve's Personal Property, pp. 201 and 202).

5. Describe the general character and incidents of an estate *pur autre vie* (Goodeve's Real Property, pp. 43 to 46).

6. State the principle on which the provisions of the reputed ownership clause were introduced into the bankruptcy law (Goodeve's Personal Property, p. 25).

7. State briefly the principles on which the courts have dealt with cases of the excessive execution of powers (Goodeve's Real Property, p. 320).

8. What powers have been conferred upon tenants for life in relation to building grants and building leases for local and public purposes? (Goodeve's Real Property, pp. 533, 534).

9. Classify briefly the different kinds of bailments (Goodeve's Personal Property, p. 80).

10. Trace the course of legislation by which estates in land became generally devisable (Goodeve's Real Property, pp. 92, 331, 332).

LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—October 16—Mr. J. D. Crawford in the chair.—The subject for debate was, "That when charges or allegations are made against public men, the parties aggrieved should be left for their redress to the ordinary tribunals of the country." Mr. Stewart Smith opened the debate in the affirmative, and was supported by Messrs. Lithiby, Foden, Pattinson, T. H. Bower, Napier, Todd, and Hulton, and opposed by Messrs. F. W. Ross, Brown, and D. Nimmo. Mr. Stewart Smith was then called upon to reply, after which the question was put to the society and carried by a majority of three.

BRISTOL LAW STUDENTS' SOCIETY.—October 16—Mr. R. L. Hancock, solicitor, in the chair.—The subject for discussion was, "Is Marriage a Failure?" Mr. J. L. V. S. Williams supported the affirmative, and Mr. H. B. Brock the negative; Messrs. W. S. M. Knight, W. J. Robinson, and A. Searle (Newport Law Students' Society) also spoke. The question was negatived by 8 votes to 0.

LEGAL NEWS.

OBITUARY.

Mr. NORTH SURRIDGE, solicitor, died at Romford on the 16th inst., at the age of eighty-two. Mr. Surridge was the third son of Mr. Robert Surridge, of Romford, and was born in 1806. He was admitted a solicitor in 1830. He was originally in partnership with the late Mr. Edmund Griffin, who was formerly clerk to the Romford Board of Guardians. At a later date he was associated with Mr. Frederick Francis, upon whose retirement from practice he was joined by his former managing clerk, Mr. Alfred Henry Hunt, who is vestry clerk of Romford and clerk to the Romford Local Board and the Romford Burial Board. Mr. Surridge was a perpetual commissioner for the county of Essex, and he was formerly clerk to the county magistrates at Orsett, clerk to the Tilbury Turnpike Road Trust, the Romford Highway Board, and the Orsett Board of Guardians, and superintendent-registrar for the Orsett district. He was for several years churchwarden of Romford parish, and he was also for a short time a member of the Romford School Board.

APPOINTMENTS.

Mr. JOHN GORDON WALSH, solicitor, of Oxford and Bicester, has been appointed Clerk to the Police Committee of the Oxford Town Council. Mr. Walsh was admitted a solicitor in 1886.

Mr. JOHN WILLIAM TEALE, solicitor (of the firm of Maw & Teale), of Bishop Auckland and Northallerton, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for the County of Durham and the North Riding of Yorkshire.

Mr. JOHN RILEY, solicitor (of the firm of Riley & Kettle), of Wolverhampton and Dudley, has been appointed Registrar of the Dudley County Court (Circuit No. 23) and District Registrar under the Judicature Acts, in succession to the late Mr. Thomas Walker. Mr. Riley was admitted a solicitor in 1845.

Mr. TREVOR PELLARD, solicitor, of Brighton, Steyning, Uckfield, and Lindfield, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for the county of Sussex.

Mr. WITLIAM WADE, solicitor, of Newport and Tyder, has been appointed a Perpetual Commissioner for Monmouthshire for taking the Acknowledgments of Deeds by Married Women.

Sir THOMAS CHAMBERS, Q.C., Recorder of London and Steward of Southwark, has been appointed Returning Officer for the London County Council.

Mr. JAMES RUSSELL, Puisne Judge of the Supreme Court of Hong Kong, has been appointed to act as Chief Justice of Hong Kong. Mr. Justice Russell is the third son of Mr. John Russell, of Broughshane, Antrim, and was born in 1843. He is an LL.B. of the Queen's University in Ireland, and he was called to the bar at Lincoln's-inn in Easter Term, 1874. He was coroner of Hong Kong from 1875 till 1879, when he was appointed Registrar-General for the colony. He acted for some time as Attorney-General, and he was appointed a puisne judge in 1885.

Mr. ROBERT GEDDES SMITH, solicitor (of the firm of Griffith, Jones, & Smith), of Aberystwith, Aberayron, and Tregaron, has been appointed a Perpetual Commissioner for Cardiganshire for taking the Acknowledgments of Deeds by Married Women.

Mr. GEORGE ROBERTS SHORTO, solicitor, assistant town clerk of Exeter, has been elected Town Clerk of that city, in succession to the late Mr. Bartholomew Charles Gidley. Mr. Shorto was admitted a solicitor in 1880.

Mr. GILBERT HOUGHTON, solicitor (of the firm of Houghtons & Byfield), of 85, Gracechurch-street and of Walthamstow, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for the County of Essex.

Mr. OWEN FISHER DANIEL, solicitor, of Ramsgate, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for the County of Kent.

Mr. WILLIAM NORMAN WIGHTWICK, solicitor (of the firm of Kingsford, Wightwick, & Kingsford), of Canterbury, has been elected Town Clerk of that city, in succession to the late Mr. Rest William Flint. Mr. Wightwick was admitted a solicitor in 1872. His firm are clerks to the magistrates and the Commissioners of Taxes for the Wingham and Home Divisions of the county of Kent.

CHANGES IN PARTNERSHIP.

DISSOLUTION.

EDWARD JAMES WARD and DAVID DAVIS REES, solicitors (Ward & Rees), 22, Surrey-street, Strand, London. Oct. 15. [*Gazette*, Oct. 16.

GENERAL.

Lord Herschell left for Naples on Saturday. There he met the steamer which takes him to Bombay. He will be absent in India three months.

The report of the executive committee of the Free Land League says:—"Upon the Land Transfer Bill being again presented by the Lord Chancellor, a sub-committee of the League reported 'no material change in the provisions of the Bill,' and that 'the most prominent evil of our land system will be aggravated by the passing of this measure.' This report, a copy of which was sent to members of both Houses, concluded with a recommendation that the Bill (which has passed through a committee of the Lords without any satisfactory change, and will probably be now introduced in the House of Commons) should, except as to Part IV., be rejected; 'and that the part so taken out of the Bill after such further amendment of the Law of Real Property as can be obtained, and omission of the provisions creating life estates, should be passed as a separate measure.' The committee trusts that the large representation which the League has in Parliament will secure the withdrawal of the Land Transfer Bill, if the Government should again refuse to proceed with Part IV. as an unopposed Bill."

On Wednesday, at the Hammersmith Police Court, a man named Hurley was charged, with two other men, with attempting to steal. While the case was being heard the attention of the magistrate was called to the action of a gentleman who was sitting at the solicitors' table. The chief usher handed up to the magistrate the gentleman's card, which he had personally handed to Hurley in the dock. The usher received the card from the prisoner, who

stated that he had not engaged the gentleman to appear for him. Replying to the magistrate, the gentleman, who rose from his seat, said he appeared for the prisoner. He was a barrister. Mr. Paget expressed his astonishment that a member of the profession should behave in that way. He then referred to the Law List, and found that the gentleman whose name was on the card was admitted to the Middle Temple in 1883. He inquired of the gentleman if he appeared for the prisoner. After a short consideration he said he did not. Mr. Paget thought it was most disgraceful that any person who was called to the bar should act in that way. [It is to be regretted that the name of the barrister is suppressed in all the reports.]

A curious question, says the *Times*, relating to the recovery of a stolen necklet came before the Birmingham stipendiary on Wednesday. The necklet, which was valued at £150, was composed of pearls, with a pendant containing 27 diamonds, and was stolen from the owner, Mrs. Kennedy, of London, during her stay at Llandulas, in Wales. Mrs. Kennedy subsequently received an anonymous letter bearing the Rugby postmark. The letter ran as follows:—"You will find your jewels all safe at Mr. Wood's, Birmingham, a well-known local pawnbroker. They were taken there by a lady to get a little money for some one who was drove to take it. It was not dishonesty, I only borrowed it, and as I am leaving my country for ever I restored it to the owner." Inquiries were made to test the veracity of this information, and Mr. Wood admitted having advanced £35 on the jewels, but he declined to give up the necklet without compensation. An application was then made to the local magistrate to order the restoration of the property under the Pawnbrokers Act, and the jewels were seized under a search warrant. The pawnbroker disputed the jurisdiction of the court, contending that the Act did not apply to advances of over £10. After a long consultation with the bench, Mr. Wood agreed to give up the jewellery on the payment of £10. The stipendiary added that the arrangement would put an end to all litigation.

Messrs. Munton & Morris write to the *Times* on an Inland Revenue question seriously affecting limited companies. Everybody familiar with company law is aware that shares issued as fully paid up to vendors for other than cash consideration are still liable to calls unless the "written contract determining otherwise" is previously registered. It became the practice to include such contract in the general purchase agreement, and the complete document (comprising details in no way demanding registration) was filed. Up to last year the common agreement stamp only was placed on these purchase contracts (as is done every day at the Auction Mart), the Registrar not affecting to have any concern in the ultimate *ad valorem* duty on the actual transfer deeds. Suddenly, however, the authorities took to reading these contracts through, and on coming across some item which, to use their own words, "might not be followed by a deed," such as the bargain to sell a goodwill, &c., they commenced to claim (without any legal authority known to us) that the anticipated *ad valorem* duty should be put on the agreement. They took upon themselves to stop registration pending dispute, and time being often of moment, the weaker party usually succumbed. At length we and some other solicitors made a stand, and we have severally obtained a Government undertaking to return our moneys if the Revenue demand turns out to be unwarranted. The position is best illustrated in what one may call a family trading company. A and B are engaged in a very profitable business, worth, say, £200,000, half in plant and half in goodwill. A dies, leaving his share to six persons, who are unwilling or unable to trade, but ready to work with B in turning the business into a limited company by the customary process of a preliminary contract with a nominal trustee, followed by memorandum and articles. When the purchase contract is tendered for registration the authorities contend that "as it is highly unlikely that the shareholders will ever call for a formal assignment of the goodwill" they are entitled to have 10s. per cent. *ad valorem* duty on the hundred thousand pounds put on the preliminary purchase contract "to make sure that they get such duty"—*i.e.*, a comfortable little fee of £500 beyond the statutory stamp of £1 per £1,000 on the capital."

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Appeal Court No. 1.	Appeal Court No. 2.	Mr. Justice Kay.	Mr. Justice Chitty.
Wed., Oct. 24	Mr. Koe	Mr. Ward	Mr. Carrington	Mr. Clowes
Thursday.. 25	Clowes	Pemberton	Jackson	Koe
Friday 26	Jackson	Ward	Carrington	Clowes
Saturday... 27	Carrington	Pemberton	Jackson	Koe

	Mr. Justice North.	Mr. Justice Stirling.	Mr. Justice Kekewich.
Wednesday, Oct..... 24	Mr. Leach	Mr. Godfrey	Mr. Lavie
Thursday..... 25	Beal	Rolt	Pugh
Friday 26	Leach	Godfrey	Lavie
Saturday 27	Beal	Rolt	Pugh

COURT OF APPEAL.

MICHAELMAS SITTINGS, 1888.

SPECIAL NOTICE.—Queen's Bench Final Appeals in Court I., and Chancery Appeals (General List) in Court II., will be taken on the usual days during Michaelmas Sittings.

Queen's Bench Interlocutory Appeals in Court I., and Chancery Interlocutory Appeals in Court II., will be taken on the first day of the Sittings — viz., Wednesday, October 24th—possibly on the next day—and afterwards as usual, every Wednesday, during the Sittings. Bankruptcy Appeals also, as usual, on Fridays in Court I.

Appeals from the Lancaster Palatine Court (if any), which have been passed over in the General List, will be taken in Court II. on Thursday, October 25th, Thursday, November 1st, and Thursday, December 6th.

Admiralty Appeals (with Assessors) will be taken in Court I. on days specially appointed by the Court.

APPEALS FOR HEARING.

(Set down to Saturday, October 13th, inclusive.)

FROM THE CHANCERY DIVISION, THE PROBATE, DIVORCE AND ADMIRALTY DIVISION (PROBATE AND DIVORCE), AND THE COUNTY PALATINE AND STANNARIES COURTS.

For Hearing.

(General List.)

1888.

In re The Missouri Steamship Co ld & Co's Acts Expte A N Monroe app of A N Monroe from order of Mr Justice Chitty, dated 28 Feb, disallowing claim March 14 (Part heard June 20—S O generally)

The Craven Bank ld v Preston app of defts from judgt of Mr Justice Kekewich, dated 16 Feb, 1888 March 21 (security ordered April 25)

Leslie v Cave app of plt in person from judgt of Mr Justice Kekewich, dated 29 April May 10 (security ordered May 29)

The Aberdare and Plymouth Co ld v Hankey app of plt Co from jdgt of Mr Justice Kekewich, dated 14 May, 1887 June 22 (Security ordered July 25)

Marsh v Jones app of plt from jdgt of Mr Justice Kekewich, dated 4 May, 1888 June 23

Tod-Heatly v Benham app of dft from jdgt of Mr Justice Kekewich, dated 16 May, 1888 June 23

In re The Anglo-Indian and Colonial Industrial and Commercial Institution ld & Co's Acts app of Lord Robert Montagu from refusal of Mr Justice Kay, dated 5 June, 1888, to rectify register June 25

In re A J Ball, dec Slattery v Ball app of plt from jdgt of Mr Justice North, dated June 14, 1887 June 27

Peach v Lowndes app of plt from jdgt of Mr Justice Kay, dated 13 December 1887 June 27

Lafone v F Huth & Co app of plt from jdgt of Mr Justice Kekewich, dated 20 April, 1888 June 28

FROM THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND ADMIRALTY (ADMIRALTY) DIVISIONS.

For Judgment.

Johnson v North-Eastern Ry Co app of deft from judgt of Mr Justice Day at trial at Manchester without a jury (o s v April 11, present Lord Chancellor, Master of Rolls, and Lord Justice Bowen)

Brunton, Waywarden, &c v Highway Board of Langborough West (Q B Crown Side) app of Highway Board from order of Justices Mathew and A L Smith on special case stated pursuant to 12 & 13 Vict c 45, s 11 (o s v April 19, present Lord Chancellor, Master of Rolls, and Sir James Hannen)

For Hearing.

1888.

The Marquess of Bute v The Rhymney Ry Co app of plt from judgt of Justices Wills and Grantham on special case Jan 14

American Trading Co v Brueckner & ors app of plt Co from judgt of Mr Justice Day at trial without a jury in Middx Feb 6

Attorney-Gen v Emerson & ors (Q B Revenue Side) app of defts from part of decree of Justices Mathew & Cave as to right of firing ordnance from Shoeburyness across Maplin Sands Feb 6

S J Parker v C E Lyon (Alfred Owen Lyon—claimant) app of plt from Mr Justice Field giving judgt for claimant against execution creditor in interpleader issue

Lyon v Parker app of deft from Mr Justice Field at trial giving judgt in action for plt Feb 15

Henty v Cox (Q B Crown Side) app of plt from Justices Hawkins and Grantham affirming judgt on app from County Court at Bristol Feb 17 (security ordered Feb 29)

Jacker v The International Cable Co ld app of plt from judgt of Mr Justice Hawkins at trial without a jury in Middx Feb 18

Municipal Permanent Investment Building Society v Smith app of deft from judgt of Mr. Justice Hawkins at trial without a jury in Middx Feb 18

Atkinson (exor) v Young & anr (trustees of settlement) Young v Atkinson app of defts Young & anr from order of Baron Huddleston and Mr Justice Manisty affirming finding of County Court Judge and judgt thereon Feb 18

Anatole Tolhausen & Wife v P Davies (Q B Crown Side) app of plt from judgt of Justices Mathew and A L Smith reversing judgt on app from Altrincham County Court Feb 21

Tillotson & Son v The Warwickshire Furnishing Co app of defts from judgt of Mr Justice A L Smith at trial without a jury at Manchester March 2

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MICHAELMAS SITTINGS, 1888.

Causes for Trial or Hearing.

(Set down to Saturday, October 13th, inclusive.)

Motions, Petitions, and Short Causes will be taken on the usual days, as stated in the Michaelmas Sittings Paper.

Actions with and without Witnesses will be taken by Mr. Justice Kay on the usual Cause days in the order as they stand in the Cause Book.

Mr. Justice Chitty will take Witness Actions on the following days, viz:—November 13, 14, 15, 20, 21, 22, 27, 28, and 29.

Mr. Justice North will commence Witness Actions on Monday, November 5.

Mr. Justice Stirling will take Witness Actions on days to be named by His Lordship after the commencement of the Sittings; his Lordship will sit in Chambers every Monday during the Sittings.

Mr. Justice Kekewich will take Witness Actions every day, in the order as they stand in the Cause Book. See Note on Sittings Paper as to Liverpool and Manchester District Registry Business.

Adjourned Summonses will be taken as follows:—Mr. Justice Kay, on Fridays and Saturdays; Mr. Justice Chitty, with Non-Witness Actions, except Procedure Summonses, which (if any) are taken every Saturday; Mr. Justice North, on special days mentioned in Sittings Paper in addition to the usual days, Fridays and Saturdays; and Mr Justice Stirling also on Fridays and Saturdays.

N.B.—The above note as to adjourned summonses is subject to alteration as their Lordships may direct.

Before Mr. Justice KAY.
Causes for Trial (with witnesses and without witnesses).
Cooper v Straker act wits, pt hd 1st cause day
Eden v Weardale Iron Co, ld act wits
Ecclesiastical Commrs v Sir W Eden act wits
Kirby v Freeman act wits
Wiltshire v Joyce act wits (Michaelmas Sittings)
Ryder v Anders act
Centeno v Tennant act
Vernon, Ewens, & Co v Arbuthnot act
In re Curaham, Curaham v Gallimore act wits
Fry v Lane Lane v Fry action witns (2nd day in Sittings)
British Burmah Lead Co ld v Law action witns
In re Fry Whittel v Bush act & m f j wits
Bevington v Currey act & m f j pt hd
Ungar & Co v Sugg & Co, ld act wits
Boyd v Farrar act wits
Adams v Fortescue act wits
Howard v Still act
Thorman v Scarborough act wits
Campbell v Holloway sp case
Foster v Knowles act

Before Mr. Justice CHITTY.
Causes for Trial (with witnesses)
Checkland v Fisher act
White v Hewitt act (Hidary, by consent)
In re Phillips, dec Rogers v Bullock adj sumns with wits by order
In re E M Smith, dec Robinson v Smith act
In re Checkland, dec Leicestershire Banking Co v Checkland act
Neath Permanent &c Bldg Soc v Luce act
Spiel's Patent Petroleum Engine Co, ld v Spiel act
In re Morgan's Patent, No 4216, AD 1876, and Patents, &c, Act pta of R Faithfull with wits by order
Emmett v Cann issues for trial, by order dated 20 Jan, 1888
Fitch v Brown act
Catlley v Collins act
Ranger v Williams act
In re C Hawke, dec Young v Hawke act
Brocke, Swindells & Co, ld v Browne act
In re Abbey, dec Mason v Hewlett act
In re Rootham, dec Fletcher v Rootham act
Countess de Rechberg v United Land Co, ld act
Ranger v Newberry act
Hooper v Neale act
Hall v Derby & Derbyshire Bnkg Co, ld, act

Before Mr. Justice NORTH.
Causes for Trial (with witnesses).
Rowland v Fiennes act
Winfield v Crompton act
Wageman v Belfrage act
Farrand v Yorkshire Bkg Co ld act
MacColla v Fenn act
Kohner Dynamite Fabrik Co v Cox act
Martin v Clarke act
Baxter v Lon & Prov Bkg Co ld act (consolidated)
Hayes v Hayes act
Sladden v Johnson act
Surbiton Improvement Commrs v Metcalfe act
Day v Woolwich Equitable Bldg Soc act
In re Frewen Frewen v Frewen act
Hine Haycock v Hammerton act
Clarke v Birley act
Great Tower Street Tea Co v Smith actn
Edevain v Cohen actn
Thomas v Bailey act
Clements v Ibeson act
Crew v Motts act

Before Mr. Justice STIRLING.
Causes for Trial (with Witnesses).
Insole v Mayor, &c, of Cardiff act
Crosti v Ferreira act
Crosti v Ferreira act
Miller v Tupp act pt hd to be mentd
Goodspeed v Robinson act
Goodspeed v Robinson act
In re Roebuck, Whitley v Whitley act
In re The London Improved Cab Co, & Co's Acts mtn of F. C. Bryant
In re the same Co, mtn of W. Carkeet
Atkins v Darcy act
Slazenger & Sons v Feltham & Co act
In re Wright Davis v Wright act
Wilmot v United Kingdom Metal-Edged Box Co ld act
Dan v Beckett act
Hall v Blaker act
Williams v Allen issues for trial
Hicks v Hicks act
Bolton & Partners, ld v Lambert act
Slazenger v Feltham & Co act
Adams v Milne act

Before Mr. Justice KEKEWICH.
Causes for Trial (with witnesses).
Transferred from Justices CHITTY, NORTH, and STIRLING, for Trial or Hearing only—by Order, dated 22 Mar., 1888.
Deferred List.
Denman v Batten act
Atterton v Edwards act
Transferred from Justices KAY, CHITTY, NORTH, and STIRLING, for Trial or Hearing only—by order dated 14 June, 1888.
In re Apollinaris Co Trade Marks 6356, 6357, and 9026, &c m f j
Battye v Cail act
Coulson v Pettiver act
Anthony v Courtney act
O'Dwyer v Earl of Breadalbane act
In re Trade Marks 2076 and 4122 of Apollinaris Co mtn & T M Act, 1883
In re Same 6356 and 6357 mtn, &c, &c
In re Same 45096 and 45097, &c mtn, &c, &c
In re Same 48933, &c, &c mtn
In re Same 44218, 44219 and 44220, &c, &c, and opposition thereto, 802 and 803 adj sums
In re Same 45591, &c, &c, and opposition thereto, No 807 adj sums
In re Same 45590, &c, &c, and opposition thereto, No 806 adj sums
In re Same 45699 and 45700, &c, and opposition thereto, 809 and 810 adj sums
In re Same 45589, &c, and opposition thereto, 805 adj sums
In re Same 4935, &c, &c, &c, and opposition thereto, 800 adj sums
The above are in the Deferred List.
Raper v Kennett act
Williams v Pawson & Co ld act
In re Cutcliffe Cutcliffe v Harding act Deferred List

(The whole of the above lists are to be continued.)

WINDING UP NOTICES.

London Gazette—FRIDAY, Oct. 12.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

ART ENGRAVING CO., LIMITED.—Hannen, P., has fixed Friday, Oct 19 at 12, at the chambers of North, J., for the appointment of an official liquidator

FRIENDLY SOCIETIES DISSOLVED.

BRANDON FRIENDLY SOCIETY, 9, Little Barn lane, Langley Moor, Brandon, Durham. Oct 3
CLOWNE FRIENDLY SOCIETY, Angel Inn, Clowne, Derby. Oct 6
ENSTONE NEW FRIENDLY MEDICAL AND BENEFIT SOCIETY, Crown Inn, Church Enstone, Oxford. Oct 10
KEMP LODGE, Unicorn Inn, Llanedarne, Glamorgan. Oct 10

London Gazette.—TUESDAY, Oct. 16.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

HUNSBURY HILL COAL AND IRON CO., LIMITED.—Petn for the continuance of the voluntary winding up, presented Oct 13, directed to be heard before North, J., on Oct 27. Miller & Co., Telegraph st, Moorgate st, solors for petners
INTERNATIONAL INVESTMENT AND GENERAL AGENCY, LIMITED.—Petn for winding up, presented Oct 13, directed to be heard before North, J., on Saturday, Oct 27. Phelps & Co., Gresham st, solors for petner
LIVERPOOL HOUSEHOLD STORES ASSOCIATION, LIMITED.—Hannen, P., has fixed Oct 30 at 12, at the chambers of Chitty, J., for the appointment of an official liquidator

FRIENDLY SOCIETIES DISSOLVED.

COURT PRINCE ARTHUR, Golden Lion Hotel, Tredegar, Monmouth. Sept 24
WORDSLEY FREEHOLD LAND SOCIETY, LIMITED, Wordsley, Stafford. Oct 11

CREDITORS' NOTICES.

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 12.

BEAUMONT, CECIL WILLIAM, Lower Belgrave st. Nov 21. Pigot, Arthur's Club, St James's st
BEECH, JOSEPH, Stone, Staffordshire, Merchant. Dec 1. Saben & Birch, Stone
BODDINGTON, THOMAS, Bordesley Green, Birmingham, Gent. Nov 9. Mitchell & Willmot, Birmingham
BRUNT, JOHN, Swadlincote, Derby, Victualler. Nov 28. Small, Burton on Trent
BURNEY, Rev. EDWARD, Anglesey, nr Gosport, Clerk in Holy Orders. Nov 20. Blake & Co, Portsea
CARNALL, THOMAS, Victoria rd, Tranmere, Chester, Victualler. Nov 1. Francis, Birkenhead
COLEMAN, JOSEPH FREDERICK, Highbury New Park, Esq. Nov 12. Stubbs, John st
CROSTON, HENRY BUNSTER, Bedford rd, Rock Ferry, Cheshire. Nov 12. Tyrer & Co, Liverpool
DENNIS, DAVY, Sheffield, Gent. Nov 1. Davy, Lyme villa, Rotherham
DICKINSON, JAMES, Leyland rd, Southport, Cotton Spinner. Nov 30. Robinson, Blackburn
DODGSON, ELIZA, Flower Pot Hotel, Sunbury. Nov 13. Goddard, Sunbury
EAST, SAMUEL, Bristol Hotel, Brighton, Hotel Proprietor, Nov 27. Eversheds & Shapland, Brighton
EVANS, ALFRED JOHN, Dorchester, Dorset, Chemist. Nov 30. Symonds & Sons, Dorchester
GEORGE, CHARLOTTE, Cardiff. Nov 20. Ingledew & Rees, Cardiff
GRIFFITHS, THOMAS, Alma pl, Tenby, Pembroke, Retired Engineer. Nov 12. Lock, Justices Clerk's Office, Tenby
HALE, THOMAS, Ravenna rd, Putney. Nov 13. Morley & Shirreff, Gresham House, Old Broad st
HAY, WILLIAM, North Audley st, Baker. Nov 22. Saxton & Morgan, Somerset st
HEATH, SAMUEL, Trafalgar rd, Moseley, Worcester, Gent. Dec 22. Pointon, Birmingham
HOLLIDAY, SARAH, Birstal, York. Dec 1. Browning, Bradford
JACKSON, ALICE, Ellesmere st, Hulme, nr Manchester, Nov 13. Peters, Widnes
JANNINGS, ANNE, Battle, Sussex. Nov 20. Raper & Ellman, Battle
JARDINE, JAMES BELL, Cambridge terr, Chatham, Doctor of Medicine. Nov 1. Steel, Gillingham
KNIGHT, JOHN, Chorley rd, Swinton, Innkeeper. Nov 3. Knight, Manchester
LEWIS, ANNE RACHEL, Sumner pl, South Kensington. Nov 8. Lee & Co, Saint Paul's churchyard
MARSHALL, WILLIAM HENRY, St Domingo grove, Liverpool. Nov 27. Brabner & Court, Liverpool
MOORE, FREDERICK, Gray's inn sq, Esq. Nov 15. Herbert, Cork st
NIXON, ANN, Colmworth, Bedford. Nov 12. Jacobs & Weldon, 16, St Helen's pl
NIXON, JAMES, Reddish, Lancaster, Retired Farmer. Nov 12. Grundey, Stockport
OATWAY, MARY ANN, Childwall st, West Derby, Lancaster. Jan 5. Sibly & Dickinson, Bristol
OYSTON, JAMES, Westfield, Sussex. Nov 20. Raper & Ellman, Battle
PARKINSON, MARY ELIZABETH, Scholes, Cleckheaton. Nov 6. Clough, Cleckheaton
PRIMAVESI, EGIDIO, Peny-Bryn, nr Swansea, Merchant. Dec 1. Richards, Swansea
RICH, SAMUEL, Barton Regis Union, Stapleton, Gloucester, Labourer. Nov 17. Coates, Bristol
SMEE, JOSIANA, Bush Hill Park, Enfield. Dec 1. Oldershaw, Bell yd
SMITH, ABIGAIL, Montague rd, Dalston. Nov 10. Tiddeman & Briggs, Finsbury sq
SOULBY, ELIZA, Cricklewood. Nov 12. Stubbs, John st
TURNER, SOPHIA. Sweetman st. Whitmore Reans, Wolverhampton. Nov 10. Shelton & Co, Wolverhampton
WADE, ELLEN, Back Blundell st, Leeds. Nov 1. Dawson & Chapman, Leeds
WALTERS, MARY, Ashby de la Zouch. Nov 28. Small, Burton on Trent
WALTON, GEORGE EDWIN, Hamstead rd, Handsworth, Jeweller. Dec 1. Fowke & Son, Birmingham
WHITE, MARY SYMONS, Warwick rd, Ealing. Nov 6. Harwin, Brentford
YOUNG, OLIVER, Gateshead, Watchmaker. Nov 15. Dees & Thompson, Newcastle upon Tyne

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 12.

RECEIVING ORDERS.

BARNES, JOHN, Newent, Innkeeper Gloucester Pet Oct 8 Ord Oct 8

BELL, JACOB, the elder, Kirkland, Cumberland, Miller Carlisle Pet Sept 25 Ord Oct 8

BLACOW, THOMAS, Staining, nr Poulton le Fylde, Wheelwright Preston Pet Oct 8 Ord Oct 9

BLOCK, SAMUEL, Sheffield, Draper Sheffield Pet Oct 8 Ord Oct 8

BONNY, ALFRED, Camberwell rd, Camberwell, Butcher High Court Pet Sept 12 Ord Oct 9

BOOR, WILLIAM WHAYTE, Manchester, Timekeeper Bolton Pet Sept 24 Ord Oct 8

BROWETT, JACOB BRIGHT, Southsea, Gent Portsmouth Pet Oct 9 Ord Oct 9

BROWN, ARTHUR, Newcastle on Tyne, Artist Newcastle on Tyne Pet Oct 9 Ord Oct 9

CHEVALIER, ALBERT, Oat lane, Wood st, Commission Agent High Court Pet Sept 19 Ord Oct 9

CHIVERS, ALFRED, Llanishen, nr Cardiff, Chemist Cardiff Pet Oct 5 Ord Oct 5

CLARKE, JAMES PROCTER, Pancras lane, Merchant High Court Pet Sept 19 Ord Oct 9

COLDRON, WILLIAM, Clay Cross, Derby, Licensed Victualler Chesterfield Pet Oct 6 Ord Oct 8

DEACON, MARK, Bournemouth, Cab Proprietor Poole Pet Oct 10 Ord Oct 10

DE CRESPIGNY, Sir CLAUDE CHAMPION, Bart, Pall Mall High Court Pet Sept 12 Ord Oct 9

DUNLOP, JOHN, Southsea, Coal Merchant Portsmouth Pet Oct 9 Ord Oct 9

EVANS, JOHN, Ogmore Valley, Glamorganshire, Builder Cardiff Pet Oct 6 Ord Oct 6

FORSEY, DANIEL CHURCHILL, Cardiff, Boot Dealer Cardiff Pet Sept 18 Ord Oct 9

FRYER, HENRY CHARLES, Eldon st, Finsbury, Auctioner High Court Pet June 19 Ord Oct 10

GARSIDE, RICHARD, Bradford, out of business Bradford Pet Oct 10 Ord Oct 10

GRIFFIN, WILLIAM RICHARD, Nailsworth, Printer Gloucester Pet Oct 9 Ord Oct 9

HARDS, LEONARD, Buckhurst hill, Essex, Licensed Victualler Chelmsford Pet Oct 10 Ord Oct 10

HIND, THOMAS WILLIAM, Nottingham, Engineer Nottingham Pet Oct 10 Ord Oct 10

HOLGATE, RICHARD DOBSON, Bradford, Packer Bradford Pet Oct 9 Ord Oct 9

JARDINE, JAMES, Dunstable, Straw Hat Manufacturer Luton Pet Oct 8 Ord Oct 8

JORDAN, HENRY, Wolverhampton, Hay Dealer Wolverhampton Pet Oct 9 Ord Oct 9

KEARNS, WILLIAM JAMES, Lowestoft, Music Seller Gt Yarmouth Pet Oct 10 Ord Oct 10

KITSON, FREDERICK, Sheffield, Beerhouse Keeper Sheffield Pet Oct 8 Ord Oct 8

LANGLEY, GEORGE, Claughton, Cheshire, Gardener Birkenhead Pet Oct 9 Ord Oct 9

LAWRENCE, THOMAS, Luton, Straw Hat Manufacturer Luton Pet Oct 8 Ord Oct 8

LEVY, MORRIS, Kingsland rd, Tin Plate Worker High Court Pet Oct 10 Ord Oct 10

MALLET, THOMAS, Nottingham, Traveller Nottingham Pet Oct 10 Ord Oct 10

NETCOTT, JAMES, New Swindon, Draper Swindon Pet Oct 9 Ord Oct 9

PAYNE, WILLIAM, Keymer, Sussex, Licensed Victualler Brighton Pet Oct 8 Ord Oct 8

PERRY, EDWIN GEORGE, Newport, Mon., Harness Maker Newport, Mon. Pet Oct 10 Ord Oct 10

ROWLEY, JOHN, Luton, Straw Hat Manufacturer Luton Pet Oct 10 Ord Oct 10

SAUNDERS, ROBERT, Rye, Sussex, Mariner Hastings Pet Oct 9 Ord Oct 9

SHILCOCK, GEORGE, and WILLIAM HENRY SHILCOCK, Belgrave, Leicestershire Builders Leicester Pet Oct 9 Ord Oct 9

SMITH, EDWARD, Tipton, Staffs, Boat Loader Dudley Pet Oct 4 Ord Oct 4

SMITH, JOSEPH, Tunbridge Wells, Coal Merchant Tunbridge Wells Pet Oct 10 Ord Oct 10

SNELLING, GEORGE, Loddon, Norfolk, Baker Gt Yarmouth Pet Oct 9 Ord Oct 9

SOUTHWOOD, HARRY, Castleford, York, Hatter York Pet Oct 9 Ord Oct 9

STOKES, JOHN WILLIAM, Thirsk, Yorks, Plumber Northallerton Pet Oct 9 Ord Oct 9

TURLE, CHARLES, Gosport, Grocer Portsmouth Pet Oct 6 Ord Oct 6

WIEDERER, ANTON, New Oxford st, Baker High Court Pet Oct 10 Ord Oct 10

WILLS, JOHN, Plymouth, Devon, Joiner East Stonehouse Pet Oct 8 Ord Oct 8

FIRST MEETINGS.

ATKINSON, JAMES, Leeds, Paper Merchant Oct 22 at 11 Off Rec, 22, Park row' Leeds

BARNES, JOHN, Newent, Innkeeper Oct 20 at 3 Off Rec, 15, King st, Gloucester

BELL, JACOB, sen, Kirkland, Cumberland, Miller Oct 21 at 1 Off Rec, 34, Fisher st, Carlisle

BENNETTS, ROBERT, Tascus Gwinear, Cornwall, Farmer Oct 20 at 2 Western Hotel, Penzance

BOOR, WILLIAM WHAYTE, Manchester, Timekeeper Oct 22 at 3 16, Wood st, Bolton

BROOKE BROTHERS, residence unknown, Brewers Oct 19 at 12 33, Carey st, Lincoln's inn

BROWN, ARTHUR, Newcastle on Tyne, Artist Oct 23 at 2.30 Off Rec, Pink lane, Newcastle on Tyne

COLDRON, WILLIAM, Clay Cross, Derby, Licensed Victualler Oct 22 at 3 Angel Hotel, Chesterfield

COLE, ROBERT, Gurnard, I.W., Bricklayer Oct 20 at 12 Holyrood chbrs, Newport, I.W.

COLLINGS, CHARLES HENRY, Burton on Trent, Gent Oct 19 at 2.45 White Hart Hotel, Burton on Trent

DUFRESNE, GUSTAV, and LUDWIG LUDERS, Cornhill, Brokers Oct 23 at 11 Bankruptcy bldngs, Lincoln's inn

EVANS, JOHN RICHARD, Oxford, Bookseller Oct 19 at 11 Bankruptcy bldngs, Lincoln's inn

GEORG, CARL WILHELM, Manchester, Provision Merchant Oct 19 at 3 Off Rec, Ogden's chbrs, Bridge st, Manchester

GEORGE, EDWARD, Goldington, Bedfordshire, Farmer Oct 19 at 12.30 8, St Paul's sq, Bedford

GIBBINS, WILLIAM HENRY, Milton Ernest, Bedfordshire, Farmer Oct 19 at 11 8, St Paul's sq, Bedford

HALL, WILLIAM, Great Staughton, Bedfordshire, Grocer Oct 19 at 2 8, St Paul's sq, Bedford

HILL, WILLIAM, Morebath, Devon, Farmer Oct 20 at 12 Castle, Exeter

HYDE, EDWARD HILL, Brighton, Decorator Oct 19 at 12 Off Rec, 4, Pavilion bldngs, Brighton

LANGLEY, GEORGE, Birkenhead, Gardener Oct 24 at 2 Off Rec, 48, Hamilton sq, Birkenhead

MORGAN, JOHN, Coleshill, Warwickshire, Butcher Oct 22 at 3.30 Swan Hotel, Coleshill

NUNN, FREDERICK, Scarborough, Photographer Oct 19 at 11.30 Off Rec, 74, Newborough st, Scarborough

OWEN, WILLIAM, Amlwch, Anglesey, Licensed Victualler Oct 23 at 2 Bankruptcy Office, Crypt chbrs, Chester

SMITH, J. B., Old Kent rd, Builder Oct 19 at 11 33, Carey st, Lincoln's inn

SOUTHWOOD, HARRY, Castleford, Hatter Oct 23 at 12 Off Rec, York

TARR, JAMES, Swansea, Cabinet Maker Oct 20 at 11 Off Rec, 6, Rutland st, Swansea

TAYLOR, EDWARD, Crewe, Joiner Oct 24 at 9.30 Royal Hotel, Crewe

WATERHOUSE, ISAAC, West Gorton, nr Manchester, Cotton Yarn Manufacturer Oct 23 at 11.30 Off Rec, Ogden's chbrs, Bridge st, Manchester

WILLOCK, BENJAMIN, Tamworth, Baker Oct 22 at 12 Peel Arms Hotel, Tamworth

The following amended notice is substituted for that published in the London Gazette, Oct 2.

PRATT, SAMPSON JONATHAN MARKHAM, and ROBERT WILLIAM VALENTINE PRATT, Fakenham, Norfolk Oct 13 at 12.30 Off Rec, 8, King st, Norwich

The following amended notice is substituted for that published in the London Gazette, Oct 9.

HUMBY, JAMES, Camden rd, N., Mining Agent Oct 18 at 12 Bankruptcy bldgs, Portugal st, Lincoln's inn fields

ADJUDICATIONS.

BARNES, JOHN, Newent, Innkeeper Gloucester Pet Oct 8 Ord Oct 8

BENNETTS, ROBERT, Tascus Gwinear, Cornwall, Farmer Truro Pet Sept 20 Ord Oct 8

BLACOW, THOMAS, Staining, nr Poulton le Fylde, Lancs, Wheelwright Preston Pet Oct 8 Ord Oct 8

BOOR, WILLIAM WHAYTE, Manchester, Timekeeper Bolton Pet Sept 24 Ord Oct 8

BRITTON, PERCY WILSON, Rathbone pl, Oxford st, Restaurant Manager High Court Pet Oct 3 Ord Oct 9

DENNEY, THOMAS, Rugby, Tailor Coventry Pet Sept 28 Ord Oct 10

DETMOLD, EDWARD, High Holborn, Cigar Importer High Court Pet Aug 16 Ord Oct 9

DUNLOP, JOHN, Southsea, Coal Merchant Portsmouth Pet Oct 9 Ord Oct 9

EVANS, JOHN, Ogmore Valley, Glamorganshire, Builder Cardiff Pet Oct 6 Ord Oct 6

GARSIDE, RICHARD, Bradford, out of business Bradford Pet Oct 9 Ord Oct 1

GRIFFIN, WILLIAM RICHARD, Nailsworth, Printer Gloucester Pet Oct 9 Ord Oct 9

HARDS, LEONARD, Buckhurst hill, Essex, Licensed Victualler Chelmsford Pet Oct 4 Ord Oct 10

HAWLEY, JOHN, Brownswood rd, South Hornsey, Traveller High Court Pet Aug 15 Ord Oct 9

HILLS, GEORGE, Tufnell pk rd, Holloway, Tailor's Assistant High Court Pet Oct 6 Ord Oct 9

HOWARD, JOHN, Hoskering, Norfolk, Farmer Norwich Pet Sept 17 Ord Oct 6

JONES, WILLIAM, Nelson, Glamorganshire, Builder Pontypridd Pet Oct 4 Ord Oct 8

JULIER, GEORGE, St George st, St George in the East, Mineral Water Manufacturer High Court Pet Sept 5 Ord Oct 9

KEARNS, WILLIAM JAMES, Lowestoft, Music Seller Gt Yarmouth Pet Oct 10 Ord Oct 10

KITSON, FREDERICK, Sheffield, Beerhouse Keeper Sheffield Pet Oct 8 Ord Oct 10

LANGLEY, GEORGE, Claughton, Cheshire, Gardener Birkenhead Pet Oct 9 Ord Oct 10

LAWRENCE, THOMAS, Luton, Straw Hat Manufacturer Luton Pet Oct 8 Ord Oct 8

LEVY, MORRIS, Kingsland rd, Tin Plate Worker High Court Pet Oct 10 Ord Oct 10

MALLET, THOMAS, Nottingham, Traveller Nottingham Pet Oct 10 Ord Oct 10

NETCOTT, JAMES, New Swindon, Draper Swindon Pet Oct 9 Ord Oct 9

PAYNE, WILLIAM, Keymer, Sussex, Licensed Victualler Brighton Pet Oct 8 Ord Oct 8

PEARCE, W. F., Whittingstall rd, Fulham, Gent High Court Pet July 28 Ord Oct 10

PORTER-BURRAL, SARAH FREDERICA, Eaton sq, Widow High Court Pet Aug 7 Ord Oct 9

PRATT, SAMPSON JONATHAN MARKHAM, and ROBERT WILLIAM VALENTINE PRATT, Fakenham, Norfolk, Farmers Norwich Pet Sept 27 Ord Oct 10

ROWLEY, JOHN, Luton, Straw Hat Maker Luton Pet Oct 10 Ord Oct 10

SAUNDERS, ROBERT, Rye, Sussex, Mariner Hastings Pet Oct 9 Ord Oct 9

SMITH, J B, Old Kent rd, Builder High Court Pet Aug 30 Ord Oct 9

SNELLING, GEORGE, Loddon, Norfolk, Baker Gt Yarmouth Pet Oct 9 Ord Oct 9

SOUTHWOOD, HARRY, York, Hatter York Pet Oct 9 Ord Oct 9

STOKES, JOHN WILLIAM, Thirsk, Yorks, Plumber Northallerton Pet Oct 8 Ord Oct 9

TATE, CHARLES WILLIAM, Tynemouth, late Innkeeper Newcastle on Tyne Pet Oct 2 Ord Oct 8

TURLE, CHARLES, Gosport, Grocer Portsmouth Pet Oct 5 Ord Oct 9

WEBB, CHARLES, Mellis, Suffolk, Farmer Ipswich Pet Sept 3 Ord Oct 9

WHITELEY, EDWARD, Shrewsbury, Butcher Shrewsbury Pet Sept 29 Ord Oct 8

London Gazette.—TUESDAY, Oct. 16.

RECEIVING ORDERS.

ARKELL, ALEXANDER RORDANEZ, Stafford, Leather Merchant Stafford Pet Oct 10 Ord Oct 10

BATTEN, CHARLES W., address unknown, Mineral Water Manufacturer Bristol Pet Sept 24 Ord Oct 13

BENSTEAD, CLARA ELIZABETH, Eastchurch, Kent, Farmer Rochester Pet Oct 13 Ord Oct 13

BERLON, HENRY, Bradford, Commission Agent Bradford Pet Oct 11 Ord Oct 12

BRUNNING, JAMES SMITH, Lee, Kent, Tailors' Trimmings Warehouseman High Court Pet Oct 11 Ord Oct 11

CLIFFORD, ALFRED, Beeston, Nottinghamshire, Lace Manufacturer Nottingham Pet Oct 12 Ord Oct 12

COHEN, ISRAEL, Leeds, Slipper Manufacturer Leeds Pet Oct 11 Ord Oct 11

COLMAN, WALTER TAWELL, Brighton, Surgeon Brighton Pet Oct 13 Ord Oct 13

COOPER, WILLIAM JOHN, High rd, Kilburn, Butcher High Court Pet Oct 13 Ord Oct 13
CROSSLEY, JOSEPH, Leeds, Hay Dealer Leeds Pet Oct 13 Ord Oct 13
DAVIES, WILLIAM WARD, Mountain Ash, Draper Aberdare Pet Oct 12 Ord Oct 12
DUFFUS, WILLIAM, Birmingham, Jeweller Birmingham Pet Sept 28 Ord Oct 12
ELLIS, CHARLES, St Levan, Cornwall, Farmer Truro Pet Oct 2 Ord Oct 10
EVANS, THOMAS, Bristol, Provision Merchant Bristol Pet Oct 12 Ord Oct 12
FORD, HOWARD, Leadenhall st, Woollen Merchant High Court Pet Oct 13 Ord Oct 13
FREEMAN, JAMES, Hertford rd, Kingsland, Furrier High Court Pet Aug 15 Ord Oct 12
GEARY, THOMAS, Birmingham, Baker Birmingham Pet Oct 10 Ord Oct 10
GERRING, WILLIAM SYDNEY, and JOSEPH MANAGHAN, Hawkenbury, Kent, Wheelwrights Canterbury Pet Oct 11 Ord Oct 11
HIGGINS, JOHN, Martlett ct, Bow st, Fruit Dealer High Court Pet Sept 27 Ord Oct 11
HODGES, ALBERT, Bedminster, Undertaker Bristol Pet Oct 13 Ord Oct 13
HYATT, EMANUEL, Bedminster, Baker Bristol Pet Oct 13 Ord Oct 13
ICKE, SAMUEL BICKLEY, Birmingham, Currier Birmingham Pet Sept 18 Ord Oct 11
ILEY, JOHN, Wolsingham, Durham, Chemist Durham Pet Oct 13 Ord Oct 13
IRVING, CHARLES, Long Bennington, Lincolnshire, Surgeon Nottingham Pet Oct 12 Ord Oct 12
LAKE, CHARLES WILLIAM, Gt Grimsby, Fisherman Gt Grimsby Pet Oct 10 Ord Oct 10
LEESE, WILLIAM, Newcastle under Lyme, Mineral Water Maker Hanley, Burslem, and Tunstall Pet Oct 11 Ord Oct 11
LINGLEY, EDGAR JOHN, Lavenham, Suffolk, Blacksmith Colchester Pet Oct 13 Ord Oct 13
LLEWELLYN, GEORGE, Neyland, Pembrokeshire, Grocer Pembroke Dock Pet Oct 12 Ord Oct 12
MENHAM, CATHRINE, Gateshead, Cart Proprietor. Newcastle on Tyne Pet Oct 13 Ord Oct 13
MITCHELL, CHARLES, Sandfield terr, Guildford, Brickmaker Guildford and Godalming Pet Oct 12 Ord Oct 12
MORRIS, HENRY THOMAS KIBBY, Eastcheap, Shipping Agent High Court Pet Oct 12 Ord Oct 12
PEACOCK, ELEANOR, Darlington, Aerated Water Manufacturer Stockton on Tees and Middlesborough Pet Oct 13 Ord Oct 13
PEEK, JOHN, Brancaster Staithe, Norfolk, Farmer Norwich Pet Oct 12 Ord Oct 12
RIVALTA, FRANCIS, Wellington, Salop, Jeweller Madeley, Shropshire Pet Sept 17 Ord Oct 10
ROBERTSON, THOMAS KIRKWOOD, Plymouth, Confectioner East Stonehouse Pet Oct 12 Ord Oct 12
RYCRAFT, ROBERT WILLIAM, Upton Heath, nr Chester, Dairyman Chester Pet Oct 12 Ord Oct 12
SMITH, JAMES, Bath, Butcher Bath Pet Oct 12 Ord Oct 12
STAFFORD, JOHN EDWARD, Burnley, Architect Burnley Pet Oct 13 Ord Oct 13
SYMONDS, FREDERICK, Loughborough, Coal Agent Leicester Pet Oct 11 Ord Oct 11
TOWNEND, WILLIAM HENRY, Huddersfield, Power Loom Tuner Huddersfield Pet Oct 11 Ord Oct 11
WELFORD, GEORGE WILLIAM, Egton Banks, Yorks, Farmer Stockton on Tees and Middlesborough Pet Oct 13 Ord Oct 13
WESTWORTH, JOHN CHARLES, Birkenhead, Stationer Birkenhead Pet Oct 11 Ord Oct 11
WHEELDON, JOHN, Uttoxeter, Farmer Burton on Trent Pet Oct 11 Ord Oct 11
WILLIS, WILLIAM HENRY, Southtown, Suffolk, Smackowner Great Yarmouth Pet Oct 11 Ord Oct 11

FIRST MEETINGS.

ADNAMS, FREDERICK JOHN, Maidenhead, Fishmonger Oct 23 at 3 109, Victoria st, Westminster
ANDERSON, MARY ANN, Plymouth, Fish Dealer Oct 26 at 11 10, Athenæum ter, Plymouth
ARKELL, ALEXANDER RORDANSZ, Stafford, Leather Merchant Oct 25 at 11.30 Off Rec, St Martin's pl, Stafford
BENNETT, SAMUEL, Leicester, Tailor Oct 23 at 3 Off Rec, 28, Friar lane, Leicester
BENSTED, CLARA ELIZABETH, Eastchurch, Kent, Farmer Oct 27 at 11 Off Rec, High st, Rochester
BERLON, HENRY, Bradford, Commission Agent Oct 26 at 11 Off Rec, 31, Manor row, Bradford
BLACOW, THOMAS, Staining, nr Poulton le Fylde, Lancs, Wheelwright Oct 24 at 3 Off Rec, 14, Chapel st, Preston
BLOCK, SAMUEL, Sheffield, Draper Oct 24 at 3 Off Rec, Figtree lane, Sheffield
BRANFORD, WILLIAM COTTON, Sinclair rd, West Kensington pk, Professor of Veterinary Surgery Oct 23 at 11 33, Carey st, Lincoln's inn
BROWETT, JACOB BRIGHT, Southsea, Gent Nov 12 at 4 166, Queen st, Portsea
BUCKINGHAM, BENJAMIN, address unknown, Straw Hat Manufacturer Oct 23 at 11 Off Rec, Park st West, Luton
CORTI, WILLIAM, Achilles rd, West Hampstead, Boot Manufacturer Oct 23 at 12 33, Carey st, Lincoln's inn
DEACON, MARK, Bournemouth, Cab Proprietor Oct 24 at 12 30 Criterion Hotel, Bournemouth
DEALTRY, EVERARD, Trebovier rd, Earl's Court rd, Gent Oct 24 at 12 33, Carey st, Lincoln's inn
DETMOLD, EDWARD, High Holborn, Cigar Importer Oct 25 at 12 33, Carey st, Lincoln's inn
DICKSON, CLEMENT JOHN, Sunnyside, Holmwood Oct 24 at 3 109, Victoria st, Westminster
DUNLOP, JOHN, Southsea, Coal Merchant Nov 12 at 3.30 166, Queen street, Portsea
GARSIDE, RICHARD, Bradford, out of business Oct 24 at 11 Off Rec, 31, Manor row, Bradford
GRIFFIN, ERNEST EDWARD, King's Heath, Worcestershire, Solicitor Oct 24 at 11 25, Colmore row, Birmingham
GRIFFIN, WILLIAM RICHARD, Nailsworth, Printer Oct 23 at 11 Bankruptcy bldgs, Lincoln's inn
HARDS, LEONARD, Buckhurst hill, Essex, Licensed Victualler Oct 24 at 11 33, Carey st, Lincoln's inn
HODGES, JAMES, and E CRADDOCK, Fenchurch st Oct 25 at 11 Bankruptcy bldgs, Lincoln's inn
HOLGATE, RICHARD DOBSON, Bradford, Maker up Oct 23 at 11 Off Rec, 31, Manor row, Bradford
HUTCHINSON, JAMES, Eastbourne, Fly Driver Oct 24 at 3 Coles & Carr, Seaside rd, Eastbourne
HUTTON, WILLIAM JAMES SIDDIS, Kingston upon Hull, Fruit Merchant Oct 25 at 11 Off Rec, Trinity house lane, Hull
JARDINE, JAMES, Dunstable, Straw Hat Manufacturer Oct 23 at 12 Off Rec, Park st, West Luton
JONES, DAVID, Cronton, nr Prescot, Draper Oct 25 at 3 Off Rec, 35, Victoria st, Liverpool
KEARNS, WILLIAM JAMES, Lowestoft, Music Seller Oct 25 at 12 Auction Mart, Tokenhouse yd, London, E.C.
KITSON, FREDERICK, Sheffield, Beerhouse Keeper Oct 24 at 2.30 Off Rec, Figtree ln, Sheffield
KNIGHT, ARTHUR, Hinckley, Grocer Oct 23 at 12.30 Off Rec, 28, Friar lane, Leicester
LAWRENCE, THOMAS, Luton, Straw Hat Manufacturer Oct 23 at 3 Off Rec, Park st, West Luton
MALLET, THOMAS, Nottingham, Traveller Oct 23 at 11 Off Rec, 1, High pvmnt, Nottingham
MARCROFT, WILLIAM, Southport, Glass Dealer Oct 24 at 12 Off Rec, 35, Victoria st, Liverpool
MENHAM, CATHRINE, Gateshead, Cart Proprietor Oct 27 at 10.30 Off Rec, Pink ln, Newcastle on Tyne
MOREWOOD, JOHN NEWTON, Sheffield, Grocer Oct 24 at 3 Off Rec, Figtree lane, Sheffield
NETCOTT, JAMES, New Swindon, Draper Oct 23 at 11.30 Off Rec, 32, High st, Swindon
PAYNE, WILLIAM, Keymer, Sussex, Licensed Victualler Oct 23 at 12 Off Rec, 4, Pavilion bldgs, Brighton
PEEK, JOHN, Brancaster Staithe, Norfolk, Farmer Oct 27 at 1 Off Rec, 8, King st, Norwich
PERRY, EDWIN GEORGE, Newport, Mon, Harness Maker Oct 24 at 12 Off Rec, 12, Tredegar pl, Newport, Mon
POUNTNEY, BENJAMIN, Handsworth, Brewer Oct 26 at 2.30 25, Colmore row, Birmingham
REYNOLDS, WILLIAM, Betts st, Cable st, St George's in the East, Cooper Oct 23 at 11 33, Carey st, Lincoln's inn
RICHARDS, WILLIAM, Glynneath, nr Neath, Manager of Collieries Oct 28 at 3 Castle Hotel, Neath
ROBERTSON, HENRY, Battersea pk rd, Confectioner Oct 23 at 12 | 109, Victoria st, Westminster
ROWLAND, ELIZABETH, Alexander ter, Woodberry Town, Tottenham, Lodging House Keeper Oct 25 at 11 33, Carey st, Lincoln's inn
ROWLEY, JOHN, Luton, Straw Hat Manufacturer Oct 23 at 4 Off Rec, Park st West, Luton
RYDER, JOHN FRANCIS, Devonport, Chief Engineer Oct 26 at 10 10, Athenæum ter, Plymouth
SHEPHERD, JOSEPH HERBERT, Cheltenham, Poulterer Oct 23 at 4.15 County Court, Cheltenham
SHILCOCK, GEORGE, and WILLIAM HENRY SHILCOCK, Belgrave, Leicestershire, Builders Oct 26 at 12.30 Off Rec, 28, Friar lane, Leicester
SHILSTON, JAMES W., Vicarage lane, Stratford, Essex Oct 24 at 12 33, Carey st, Lincoln's inn
SNELLING, GEORGE, Loddon, Norfolk, Baker Oct 27 at 12 Off Rec, 8, King st, Norwich
SOUTHALL, ALFRED, Manchester, Boot Dealer Oct 23 at 11 Off Rec, Ogden's chbrs, Bridge st, Manchester
STOKES, JOHN WILLIAM, Thirsk, Yorks, Plumber Oct 29 at 12 Court house, Northallerton
SYMONDS, FREDERICK, Loughborough, Leicestershire, Coal Agent Oct 26 at 3 Off Rec, 28, Friar lane, Leicester
TIMEWELL, WEREFORD UPTON, Hatfield, out of business Oct 26 at 11 George Hotel, St Albans, Herts
TOWNEND, WILLIAM HENRY, Huddersfield, Power Loom Tuner Oct 24 at 3 Haigh & Son, Solicitors, New st, Huddersfield
TRIGGS, HENRY WALTER, Bishopsgate st Without, Tobacconist Oct 24 at 12 Bankruptcy bldngs, Lincoln's inn
TURLE, CHARLES, Gosport, Hampshire, Grocer Nov 12 at 3 166, Queen st, Portsea
TURNER, JAMES, King st, Hammersmith, Grocer Oct 23 at 12 Bankruptcy bldngs, Lincoln's inn
WHEELDON, JOHN, Uttoxeter, Farmer Oct 24 at 3 White Hart Hotel, Uttoxeter
WILLIAMS, JOSEPH ELLIS, West Brompton, Metal Casement Maker Oct 24 at 11 33, Carey st, Lincoln's inn
WILLS, JOHN, Plymouth, Joiner at Devonport Oct 26 at 12 10, Athenæum ter, Plymouth
The following amended notice is substituted for that published in the London Gazette, October 2.
SHAW, EDMUND, Newbury, Berks, Seedsman Oct 24 at 12.30 Few & Dreweatt, Newbury

ADJUDICATIONS.

ARKELL, ALEXANDER RORDANSZ, Stafford, Leather Merchant Stafford Pet Oct 10 Ord Oct 10
BENSTED, CLARA ELIZABETH, Sheppey, Kent, Farmer, Widow Rochester Pet Oct 13 Ord Oct 13
BERLON, HENRY, Bradford, Commission Agent Bradford Pet Oct 11 Ord Oct 13
BROWN, HENRY JOHN, and EDWARD FRANCIS BROWN, Sheffield, Jewellers Sheffield Pet Aug 22 Ord Oct 11
BRUNNING, JAMES SMITH, Lee, Kent, Tailors' Trimmings Warehouseman High Court Pet Oct 11 Ord Oct 11
CALVERT, JOHN, WILLIAM FREDERICK CALVERT, HENRY CALVERT, and FRANK CALVERT, Halifax, Worsted Spinners Halifax Pet Sept 15 Ord Oct 12
CLIFFORD, ALFRED, Beeston, Notts, Lace Manufacturer Nottingham Pet Oct 12 Ord Oct 12
COHEN, ISRAEL, Leeds, Slipper Manufacturer Leeds Pet Oct 11 Ord Oct 11
COHEN, LEVY, High st, Islington, Clothier High Court Pet Sept 14 Ord Oct 11
COURT, WILLIAM, Margate, Grocer's Assistant Canterbury Pet Sept 19 Ord Oct 10
CROSSLEY, JOSEPH, Leeds, Hay Dealer Leeds Pet Oct 13 Ord Oct 13
DAVIES, WILLIAM WARD, Mountain Ash, Draper Aberdare Pet Oct 12 Ord Oct 12
ELLIS, CHARLES, St Levan, Cornwall, Farmer Truro Pet Oct 2 Ord Oct 11
ELLIS, GEORGE H., Queen Victoria st High Court Pet April 4 Ord Oct 11
EVERATT, CUTHBERT, South Shields, Bookseller Newcastle on Tyne Pet Sept 10 Ord Oct 11
GARDNER, JOHN ARTHUR, and ARTHUR MAYOR BROWN, Swaffham, Norfolk, Brewers King's Lynn Pet Sept 14 Ord Oct 11
GEARY, THOMAS, Birmingham, Baker Birmingham Pet Oct 10 Ord Oct 11
GIBSON, CHARLES EDWARD THORNTON, Southampton, Gent Southampton Pet Sept 28 Ord Oct 12
HORNSBY, GEORGE, Ellington st, Barnsbury, Exporters High Court Pet April 30 Ord Oct 11
HULKS, DAVID, Kingston rd, Wimbledon, Provision Dealer Kingston, Surrey Pet Oct 5 Ord Oct 13
HYDE, EDWARD HILL, Brighton, Decorator Brighton Pet Oct 4 Ord Oct 12
IRVING, CHARLES, Long Bennington, Lincs, Surgeon Nottingham Pet Oct 12 Ord Oct 12
JACOBS, JAMES WILLIAM, Folkestone, Lodging house keeper Canterbury Pet Sept 24 Ord Oct 10

JELLEY, JAMES GEORGE, and HENRY JELLEY, North st, Wandsworth, Bicycle Manufacturers Wandsworth Pet Aug 15 Ord Oct 11
JONES, DAVID, Liverpool, Draper Liverpool Pet Aug 28 Ord Oct 12
JORDAN, HENRY, Wolverhampton, Hay Dealer Wolverhampton Pet Oct 9 Ord Oct 12
KING, JAMES, Bexhill, Sussex, Builder Hastings Pet Sept 6 Ord Oct 11
LAKE, CHARLES WILLIAM, Gt Grimsby, Fisherman Gt Grimsby Pet Oct 10 Ord Oct 10
LEESE, WILLIAM, Newcastle under Lyme, Mineral Water Manufacturer Hanley, Burslem, and Tunstall Pet Oct 11 Ord Oct 11
MITCHELL, ROBERT, Newcastle on Tyne, Publican Newcastle on Tyne Pet Oct 6 Ord Oct 13
THREE
PEACOCK, ELEANOR, Darlington, Aerated Water Manufacturer Stockton on Tees and Middlesborough Pet Oct 12 Ord Oct 13
PEEK, JOHN, Brancaster Staithe, Norfolk, Farmer Norwich Pet Oct 12 Ord Oct 12
PERRY, EDWIN GEORGE, Newport, Mon, Harness Maker Newport, Mon Pet Oct 10 Ord Oct 13
SMITH, EDWARD, Tipton, Boat Loader Dudley Pet Oct 4 Ord Oct 12
SMITH, FREDERICK WILLIAM, and HERBERT INGRAM SMITH, Newark, Grocers Nottingham Pet Aug 10 Ord Oct 13
SMITH, JAMES, Bath, Butcher Bath Pet Oct 12 Ord Oct 12
SYMONDS, FREDERICK, Loughborough, Coal Agent Leicester Pet Oct 11 Ord Oct 11
TOWNEND, WILLIAM HENRY, Huddersfield, Power Loom Tuner Huddersfield Pet Oct 11 Ord Oct 11
WELFORD, GEORGE WILLIAM, Egton Banks, Yorks, Farmer Stockton on Tees and Middlesborough Pet Oct 13 Ord Oct 13
WESTWORTH, JOHN CHARLES, West Birkenhead, Stationer Birkenhead Pet Oct 11 Ord Oct 11
WHEELDON, JOHN, Uttoxeter, Farmer Burton on Trent Pet Oct 11 Ord Oct 12
WILLIS, WILLIAM HENRY, Gorleston, Suffolk, Smackowner Great Yarmouth Pet Oct 11 Ord Oct 11
WILLS, JOHN, Plymouth, Joiner at Devonport East Stonehouse Pet Oct 8 Ord Oct 11

ADJUDICATIONS ANNULLED.

HIGGINS, JOHN, Pewsey, Wilts, Chemist Swindon Adj May 14 Annul Oct 10
JOPSON, THOMAS BORRADAILE, Liverpool, Tea Dealer Liverpool Adj July 7 Annul Oct 12

SALES OF ENSUING WEEK.

Oct. 23.—Mr. H. W. SAFFELL at the Mart, E.C., at 2 p.m., Freehold Estates (see advertisement, Oct. 13, p. 794).
Oct. 24.—Messrs. EDWIN FOX & BOUSFIELD, at the Mart, E.C., at 2 p.m., Freehold Estates, Leasehold Properties, Perpetual Rent-Charge, and an old Policy of Assurance (see advertisement, Oct. 20, p. 4).

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS

COLAM.—Oct. 11, at Coombe-road, Croydon, the wife of Robert F. Colam, barrister-at-law, of a daughter.
MELLOR.—Oct. 16, at Gloucester-terrace, Hyde park, the wife of Frank H. Mellor, barrister-at-law, of a daughter.
PEILE.—Oct. 17, at Lexham-gardens, the wife of Charles Peile, barrister, of a daughter.
STUBBS.—Oct. 14, at Cranham, East Molesey, the wife of Charles Stubbs, LL.D., barrister-at-law, of a son.

MARRIAGE.

DEVENISH—BIDDER.—Oct. 13, Henry Weston Devenish, barrister-at-law, to Bertha, daughter of George Parker Bidder, Q.C., of Mitcham.

DEATH.

SENIOR.—Oct. 15, at Court-road, West Dulwich, John Senior, of New-inn, solicitor, aged 68.

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

Where difficulty is experienced in procuring the Journal with regularity in the Country, it is requested that application be made direct to the Publisher.

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